THE TRAVANCORE EDAVAGAI BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introduce the Travancore Edavagai Bill. The Bill has been published in the Gazette with a statement of Objects and Reasons and I beg to move that the Bill be read in Assembly.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall now explain briefly the principles involved in the Bill. An Edavagai means a compact area recognised as such in the Government accounts, the whole or any portion of which area is exempt from payment of revenue to Government. Or, in other words, an Edavagai is a compact area outside the State *ayacut* and Government have no concern over it in the matter of collecting tax. The Edavagai Chief will collect his dues which may be said to be the tax from the tenants in that area. The peculiarity of an Edavagai is this. The Government do not at all interfere, whatever be the extent of the holdings and the nature of the tenure held by the tenants. In the case of the ordinary *Jenmam* and *Pandarapattom* lands, the Government have to receive the tax due to Government. For this purpose, a survey and settlement were effected by Government. But in the case of Edavagais, neither the Chief nor the tenants owe tax to Government. Hence, it is not the concern of Government to know anything about the tax collected by the Chiefs or anything connected with that and therefore there is no settlement in Edavagais. And the tenants have not too any permanency of the occupancy right and the rents they have to pay may be excessive. These cause serious hardship to the tenants, because they have not got the rights of ordinary tenants under the Sirkar or even of the ordinary Jenmies and there are no published record of the rights of the tenants. The object of this Bill is to give permanent right of occupancy to the Edavagai tenants and to enforce fairness of rent. It is also proposed to have a single measure applicable to all Edavagais and to repeal the existing Rent Recovery Regulation (IV of 1068) and incorporate in this Bill provisions relating to Kilimanur and Edapalli also.

For the carrying out of the purpose of the Bill, there should be a survey of the Edavagais. Then there must be a settlement of the rents. There is at present no legislation for such settlement. The subjects of the State residing in Edavagais have moreover petitioned for a long time that they should be given electoral rights. The rightness of their claim has been approved by Government. But till the Edavagais are settled, it is impossible for Government officers to know whether a tenant is entitled to be registered as a voter or not.

When the survey is finished, the Bill empowers Government to take up the settlement at the cost of Chiefs of such Edavagais. The settlement and procedure will, subject to necessary modifications, be the same as those that are adopted in the case of the settlement of Government lands. As soon as the settlement is made, the officer should

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furnish the details of the settlement to the parties concerned and a right of appeal will also be provided. The rent to be fixed will in no way exceed 25 per cent. of the gross produce.

The Bill provides also for the removal of unauthorised occupations of land in accordance with the procedure permissible under the Land Conservancy Regulation.

This Bill is framed particularly with a view to effect a settlement of the relations between the Chief and his tenants. I trust it will receive the acceptance of this House.

There are two Edavagais mentioned in the Schedule, the Edavagais of Poonjar and Vanjipuzha. But two more are mentioned in the body of the Bill, namely the Edavagais of Kilimanur and Edapalli. In regard to the Edavagais of Kilimanur and Edapalli, there is already a Regulation, Regulation IV of 1068, which governs them. That Regulation is proposed to be repealed by this Bill so as to bring a uniformity in the law that is going to govern all the Edavagais. When this Bill becomes law, I believe, there would be a settlement of the rights of the tenant and the relationship between the Chiefs and their tenants.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I wish to know whether the present tenants are proposed to be given permanent rights of occupancy apart from any further immediate obligation on their part.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The present tenants may be of many classes. For example, the *Venpattom* tenant is a tenant-at-will. He will be given permanency of right. Whether such a tenant has to give anything in return to the Chief in consideration of the permanency of rights to be conferred upon him is a matter perhaps for the consideration and it may be considered by the Select Committee.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I wish to know the proportion of tenants who now enjoy permanent rights of occupancy and those who do not enjoy that right.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government have no definite information, because of the absence of a settlement. My idea is that the majority are *Venpattom* tenants who may be evicted at any time.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I wish to know the nature of the settlement of rights with regard to the Edavagais where a settlement has not been carried out.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Section provides, *i. e.*, Section 8 in the Bill says, "The holders of lands within the Edavagais in which a settlement has been carried out under the foregoing provisions shall have the same rights of permanent occupancy in respect of their holdings alienable and heritable as the holders of land under Government".

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MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, that Section gives only the rights of permanent occupancy of an Edavagai whose holding has been settled. What is proposed is with regard to the others. That, I find, has not been placed before the House. I put the question so that I may understand the situation.

DEPUTY PRESIDENT: Those observations may be reserved for a further stage.

MR. A. THANU PILLAI (*Trivandrum-Rural*): So that we may discuss this matter, I feel some more information is necessary.

DEPUTY PRESIDENT: Please put it in the form of a question, not by making a speech.

MR. A. THANU PILLAI (*Trivandrum-Rural*): By a mere question on a matter like this, I may not be able to get the information. A simple question may not be enough; and at the same time I do not want to make a statement.

DEPUTY PRESIDENT: The member will be at liberty to draw any inferences favourable or adverse on account of these omissions. If, however, important information is required, that may be elicited by putting a question, a simple short question.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I shall put only questions. As for personal explanation, I may make a statement to the House that it is not with a view to—

DEPUTY PRESIDENT: All these points do not arise. Please remember there is nothing else necessary. The information may be elicited.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I wish to know the approximate number of tenants in the Poonjar and Vanjipuzha Edavagais, if that information is available, and also the approximate number of *Venpattom* tenants among them.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government have no definite information on the point They have some rough idea. They believe there are about 5,000 tenants in each of these Edavagais, the bulk of whom have no permanent rights of occupancy.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I wish to know whether, if this Bill is passed into law, it can be given effect to only on further contracts between the tenants and Jenmies; that is to say further transactions could be negotiated for giving effect to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is not the position in the Bill,

MR. A. THANU PILLAI (*Trivandrum-Rural*): That is why I wished to get further information regarding this. The Bill is to enable Government to settle the rent. I wish to know whether the rents can be settled by this, without any further transaction being completed by way of payment to the Jenmi or by way of relinquishment of some other rights on the part of the tenants. Without all that, can a settlement be effected?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): A settlement can be effected and the Bill does not say anything against that. What the Bill contemplates is that a fair rental be fixed which will at all times be less than 25 per cent. of the gross yield.

MR A. THANU PILLAI (*Trivandrum—Rural*): So that in the case of a settlement of rent on a land that is now occupied by a *Venpattom* tenant, the settlement of rent alone will arise or the payment to the Jenmi also will arise?

DEPUTY PRESIDENT: The effect of the Bill when passed into law is a subject on which no member is entitled to get an answer from the Government.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I wish to knew how persons in occupation of unsettled lands in the Kilimanur and Edapalli Edavagais are now evicted?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is no specific provision regarding them. I believe there are not very many persons in unauthorised possession of land. In the case of unassigned lands reserved for communal purposes, the Land Conservancy Regulation applies, I think.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): May I know from the Law Member whether, in fixing the rental at one-fourth of the gross produce, the Government made any examination to see what proportion the present rentals bear to the gross produce of the land?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No definite or scientific examination has been made. Government have no authority to enter into the land or investigate about it. But generally it will be 25 per cent. or a little less or more.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): Is there any idea of enhancing the rent by this Regulation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That has to depend on the principles that may be laid down by the rules, subject, of course, to the Statute passed by the House. In regard to the *Venpattom* tenant, there is no permanent right of occupancy now. In regard to others, they may have a permanent right. The *Venpattom* tenants are only tenants-at-will and they may be evicted at any moment by the Chief. Once they are given permanency of occupation, the Chief must be allowed to get a fair rental, say, generally speaking, in the way in which Government are assessing their rent.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Sir, I wish to know from the Law Member whether there were any representations from the tenants of Edavagais praying for any such regulation.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. They have also complained that they are not given the

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[Mr. Kayalam Paramesvaran Pillai.]

rights enjoyed by people holding lands under the Sirkar. They have represented that they should be given electoral rights for the Legislature.

MR. N. E. VARUGHESE (*Tiruvalla I*) : ഗവണ്മെൻറും ഇടവകസ്ഥാപങ്ങളുമായിട്ടുള്ള ബന്ധം എന്താണെന്നു പറയാമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That is a matter of history. I have been looking into the literature to find something about that. But so far as my researches go, I have not been able to get at anything very definite. On the other hand, what is stated is that it is believed to have been a grant by the Sovereigns, of Travancore.

DEPUTY PRESIDENT : These questions do not arise and I do not think it will be proper to devote the time of the House to answering these questions. They are all inferences, the effect of laws passed and so forth. I cannot allow those questions.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : In regard to the Edapalli and Kilimanur Edavagais, there has been a settlement already and therefore it was thought that it would be enough to include them in the body of the Bill. If it is found on examination that it is necessary to include them also in the Schedule, it may be done.

MR. K. P. KRISHNA MENON (*Parur*) : Is not a special Notification necessary for that purpose ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The Notification contemplated is for the purpose of effecting a settlement. In regard to Kilimanur, the settlement has been effected ?

MR. K. SANKARAN (*Kartikapalli I*) : May I know whether the tenants in these two Edavagais pay the rent in kind or in money ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Both in kind and in money.

MR. K. SANKARAN (*Kartikapalli I*) : May I know whether the Law Member has any objection to make a provision in the present Bill that the payment of rent should be fixed in money and not in kind ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The Law Member, at present, has got objection ; but he is in the hands of the House.

MR. K. SANKARAN (*Kartikapalli I*) : May I know whether that question may be left for the consideration of the Select Committee ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It may be.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : Sir, while supporting the general principle of the Bill, I would like to refer particularly to the principles embodied in Sections 10 and 17. Section 10 is based on

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a wrong principle. It denies the tenant the right to the value of improvements he may have made on the property. That Section says—

"All lands not dealt with at the settlement shall after, the day mentioned in sub-section (1) of Section 7, be deemed to be Government land within the meaning thereof in the Land Conservancy Regulation....."

According to the Land Conservancy Regulation, such land will be *poramboke* land, and the officers of the Land Revenue Department have the right to evict tenants from *poramboke* lands without giving them the value of improvements that they may have effected on the land.

Section 17 enables the Government to make the Poonjar Chief, or even any one of his subordinates, a Dewan Peishkar. Even the qualifications necessary for the person who is to be made Peishkar under this Bill have not been specified.

MR. K. R. ELENKATH (*Kalkulam I*): May I ask whether the Chief or his subordinate can, under this Bill, get all the powers of the Dewan Peishkar, or only the right to collect the dues?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): For the purpose of this Bill, the Poonjar Chief or any of his subordinates can become a Dewan Peishkar.

Sir, the point that I was trying to develop is this. The Poonjar Chief is interested only in collecting as much revenue for himself as possible. Ordinarily, the occupants of the Edavagai lands would have made valuable improvements on the non-settled lands, and the Chief and his predecessors would have acquiesced in that. Under Section 10 of this Bill, it will be possible for the Chief to deprive the tenant of his rights to the value of improvements. There is no such provision in Regulation IV of 1068.

Similarly, I have objection to the principle embodied in Section 17. In this case also, there is no corresponding provision in Regulation IV of 1068. The proper thing for these Chiefs is to apply to the Tahsildar or the Peishkar—as is done in the case of the Edappalli and Kilimanur Edavagais—for coercive steps under the Revenue Recovery Regulation, being taken for the realisation of their dues. Under the new Jenmi and Kudiyan Regulation also, that is the provision for the realisation of Jenmikaram. I do not see why, in this Bill alone, Government have been empowered to give Peishkars' powers to the Chiefs and their agents. And the worst of it is that there is no provision even for a revision to the Land Revenue Commissioner. I submit that these provisions will lead to great injustice. Unless these two Sections, 10 and 17, are suitably amended, I submit, this Bill should not be proceeded with.

There is also one other point which has already been referred to at question time, namely, the principle of assessment. What we find in Regulation IV of 1068 is that, in the Kilimanur and Edappalli Edavagais, the principle of assessment applicable to *Pandarapattam* lands was followed when these were settled. Here, under this Bill, a

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[Mr. R. Sambasiva Aiyar.]

different principle is sought to be introduced, namely, that the assessment should not exceed one-fourth of the gross produce. The maximum has been fixed. My submission is that the principle followed in the case of *Pandarapattam* lands should be the principle under this Bill also. Otherwise grave injustice may result.

I may also submit, Sir, in this connection, that, in spite of the provision in Regulation IV of 1068, dues are being realised in money as well as in kind in the Kilimanur and Edapalli Edavagais. This was the subject matter of certain interpellations during the last session of this Assembly, and Government assured us that they would do all that is possible to enable the tenant to pay in money. My submission is that specific provision should be made in this Bill for payment being made in money, the commutation rate being fixed by the Government. This Bill must not be allowed to become law unless these important changes are made.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I wish to add a few words on the principle of this Bill. I agree with my friend who preceded me in thinking that clause 17 has to be considerably modified, if it is to find acceptance on this side of the House. Sir, it will be fresh in the memory of those of us who were members of the last Legislative Council that, when the powers to be given to the Sripadam Officers were being considered, we fought, so to say, a battle royal over this question of private officers, like those of the Sripadam, being invested with powers of the Tahsildar and the Peishkar, to be utilised at the sweet will and fancy of the proprietor of the land. Sir, we are not prepared to yield that principle. It will be very dangerous to the interests of the tenants on whose behalf and to secure whose interests—because it is stated that it is they that are sought to be given permanent occupany right—that this draft Bill has been brought here. If this provision is to be retained, Government should make it absolutely clear that they themselves will have the power to appoint these officers who are to wield the powers of Tahsildars and Peishkars, because these are extraordinary powers, and as such can be allowed to be used only by officers with proper ability, officers subject to the control by Heads of Departments under a well-regulated system of Government. The appointment of such officers by private bodies should certainly not be left to the sweet will and fancy of private individuals. There is nothing to prevent even an illiterate man being appointed and given this extraordinary power under the Revenue Recovery Regulation, powers which have to be exercised with great forbearance. Even Government officers are not always beyond blame in the exercise of these powers. Therefore, this is a matter which the House will have to consider very carefully.

Government are practically administering and doing everything for these Edavagais. Whatever may be the historical connection between the State and these Edavagais, I do think that it is high time for the Government to insist on some suitable contribution, to the

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general revenues, from these Edavagais, for the management and administration of these Edavagais. And this is the most opportune moment for making the necessary provisions for such contribution. In fairness, I do not think the proprietors of these Edavagais can stint such contributions to Government; and it is for the Government to settle that contribution before they proceed with the Bill and before they undertake—

DEPUTY PRESIDENT: Is it one of the matters contemplated in the Bill?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Certainly, it comes within the purview of this Bill; and I want a clear provision in the Bill to show that this matter is specifically contemplated in it.

DEPUTY PRESIDENT: Does the scope of the Bill permit this question to be raised?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I think it does.

The main principle underlying the Bill and the paramount consideration of Government seems to be that the tenants must secure permanent occupancy rights. That is very unexceptionable, and I agree with that entirely. All other provisions should be left for amendment by this House.

MR. T. S. JAYANTAN NAMBOOTIRI (*Travancore Jenmies, North*) സർ, ഈ സഭയുടെ ആലോചനയിലിരിക്കുന്ന ഇടവക ബില്ലിന്റെ മൂലതത്വത്തോട് ഞാൻ പൂർണ്ണമായി യോജിക്കുന്നു. ഇടവക അധികാരികളിൽ പലരും ജന്മിമാരാകകൊണ്ടും അവരുടെ പ്രാതിനിദ്ധ്യം ഞാൻ വഹിക്കുന്നതുകൊണ്ടും ഇടവകയെയും അവരുടെ വസ്തുക്കളേയും സാരമായി ബാധിക്കുന്ന ഈ ബില്ലിനെ പറ്റി ചില അഭിപ്രായം ഇവിടെ പ്രകടിപ്പിക്കേണ്ടതു് എന്റെ കർത്തവ്യമാണെന്നു് ഞാൻ വിചാരിക്കുന്നതിൽ തെറ്റുണ്ടാവാൻ ഇടയില്ല. കുടിയന്മാരുടെ കൈവശമിരിക്കുന്ന ഇടവക വസ്തുക്കളുടെ സ്ഥിരാവകാശം കുടിയാന്മാക്കു തന്നെ നൽകുന്നതിനു ഈ ബില്ലിൽ അനുവദിച്ചിരിക്കുന്നതു് കുടിയാന്മാക്കു അനുഗ്രഹപ്രദമാണു്. അതുപോലെ തന്നെ ഇടവകയ്ക്കു കിട്ടേണ്ട ആദായം കാലാകാലത്തു കിട്ടുന്നതിനു വേണ്ട പദ്ധതികളും ഈ ബില്ലിൽ ചേർത്തിരിക്കുന്നതുകൊണ്ടു ഇതു ഇടവകയ്ക്കും ഗുണപ്രദമാണു്. ബില്ലിലെ 3-ാം വകുപ്പു 2-ാം ഉപവകുപ്പിൽ, മൊത്തം ആദായത്തിന്റെ നാലിൽ ഒന്നിൽ കൂടുതൽ ഒരിക്കലും കരം ചുമത്താൻ പാടില്ലെന്നു് പറഞ്ഞിട്ടുണ്ടു്. ഇപ്പോൾ മൊത്താദായത്തിന്റെ നാലിലൊന്നിൽ കൂടുതൽ വല്ല വസ്തുക്കളിൽ നിന്നും ഈടാക്കി വരുന്നുണ്ടോ എന്നന്വേഷിച്ചറിയാതെ അതിനെപ്പറ്റി അഭിപ്രായം പറയുവാൻ സാധ്യമല്ല. കരം പിരിവു റഗുലേഷനനുസരിച്ചുള്ള അധികാരം ഇടവകയ്ക്കു് കൊടുക്കാൻ പാടില്ല എന്നു എ

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[Mr. T. S. Jayantan Nambootiri.]

ന്റെ സ്നേഹിതന്മാരിൽ പലരും ഇവിടെ പ്രസ്താപിക്കയുണ്ടായി. പബ്ലിക്ക് ഇൻറെറസ്റ്റിനു ബാധകമല്ലാത്തനിലയിൽ ഇടവകക്കാരുടെ അവകാശം കാട്ടുന്നതിന് ആവശ്യമായ അധികാരങ്ങൾ അവക്കുകൊടുക്കണമെന്നാണ് എന്റെ അഭിപ്രായം.

MR. POTTAYIL S. KRISHNA PANICKER (*Shertala II*): ജന്മിമാക്കുംപോഷ്യാരുടെ അധികാരം കൊടുക്കുന്നതിൽ വിരോധമുണ്ടോ?

DEPUTY PRESIDENT: ഇതിനു ഉത്തരം പറയേണ്ട ആവശ്യമില്ല.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Sir, I agree with the main principle enunciated in the preamble of the Bill.

DEPUTY PRESIDENT: A little louder, please.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): It is stated in the preamble that the Bill is intended to define the rights of the proprietors of land and their tenants. What I have to submit is that the respective rights of the proprietors and the tenants do not seem to have been completely and clearly laid down in the Bill, so much so the House is not in a position to consider it as a whole. The Bill is silent with regard to various points. To refer to some of them, it does not say anything about the *Veipattom* tenants and their rights. It is seen from Section 15 of the Bill that such only of those properties as can be brought within the purview of the Royal Proclamation of 1042 are exempted from the operation of the Bill. But there are, besides these, properties over which the *kudiyans* have obtained permanent rights based on various contracts and custom. For example, there are in all the Edavagais properties granted by the Chiefs on various favourable tenures, such as the well-known *Adima*, *Thiruvilam*, *Anubhavam*, etc. Perhaps, it may be due to the ignorance of the existence of such tenures that no exception seems to have been made in favour of such properties I have no objection to the Bill being committed to a Select Committee, provided the Law member gives a definite assurance that the members of the committee will have full scope and liberty to work out the main principle of the Bill in all its details and to consider all the rights that exist between the Chiefs and their tenants.

With regard to Section 10, the lands on which settlement has not been effected are treated as Sirkar *Tharisu* lands and Section 4 of the Land Conservancy Regulation of 1094 is made applicable to those lands. If the law does not confer upon the persons in possession of such properties the right to get those properties registered, I submit it will cause great hardship. This Section invests the Chiefs with extraordinary powers, which will enable them to recover lands without paying any consideration to the *Kudiyans* who from time immemorial have expended money and labour in improving them. The Section as it stands is highly detrimental to the interests of the tenants.

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There is no provision with regard to waste lands in the present Bill; whereas in Regulation IV of 1068 applicable to Kilimanur and Edapalli, there is a provision. Section 4 thereof runs thus:

"The granting of waste lands shall be regulated in respect of permanency of occupation and the rates of assessment by the law and rules for the time being in force for Government waste lands."

It is available and essential to introduce this provision in the present Bill.

In Section 8 of the Bill, the rights of the tenants are defined. In Regulation IV of 1068, the corresponding section is Section 2 which says:

"The holders of land in the estates of Edapalli and Kilimanur shall have the same rights in respect of their holdings as the holders of land under Our Government."

I think this Section in Regulation IV of 1068 is more happily worded and more comprehensive from the point of view of the tenants' interests.

Then in the Bill, there is no provision in regard to the rate of rent recoverable from the holders of lands; whereas in Regulation IV of 1068, there is a specific provision. Section 3 of Regulation IV of 1068 says;

"The rent recoverable from the holders of land in the said estates shall be a rates assessed by Government from time to time."

I do not know whether the omission of such a provision in this Bill is deliberate or not.

This Section had invested the tenants in the estates of Kilimanur and Edapalli with certain rights, which to my surprise have been withdrawn by the present Bill. On the strength of the right defined in htis Section, the tenants in Kilimanur and Edapalli have been repeatedly and persistently agitating for the abolition of taxation in kind and the substitution of money payments as was done by the Government with regard to *Pandarapattam* lands. Yet taxation in kind exists in Kilimanur and Edapalli. Whatever may be the origin of assessment in kind and however much it may have been preferred to money payments in former times, it is certain that it is now a source of abuse and exaction. So taxation in kind must be abolished and money payment should be substituted in its stead. The commutation rates accepted by the Government in the case of *Pandarapattam* lands must be resorted to in this behalf.

With regard to Section 17 of the Bill, regarding the delegation of Peishkar's and Tahsildar's powers to the Chiefs and their agents, in the matter of recovery of rent, I am in entire agreement with what my friends Messrs. Sambasiva Aiyar and Kunjukrishna Pillai said. The bestowal of these powers on the Chiefs and their agents would result in abuse of power on the part of the proprietors and their agents and would bring incalculable misery to the inhabitants of Edavagais. In this connection, I beg to submit that the Government must undertake the responsibility of collecting the tax as they are going to do in the case of Jenmikaram.

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[Mr. S. Nilakanta Pillai.]

Then, I have to say a word about the extent of the Bill. A reading of the Bill as a whole would show that the Bill is made applicable to Poonjar, Vanjipuzha, Kilimanur and Edapalli. But Section 1, part (2) says that the Bill extends to the Edavagais mentioned in the Schedule and to such others as may be notified by our Government. The Schedule includes only Poonjar and Vanjipuzha. So doubt arises as to whether the Bill applies to Kilimanur and Edapalli. My submission therefore is that it should be definitely stated that the Bill applies to all the four Edavagais, namely Poonjar, Vanjipuzha, Kilimanur and Edapalli.

In conclusion, I beg to submit that, if at all the Bill is to be committed to the Select Committee, there the Bill must undergo a thorough change; additions and alterations must be made wherever necessary; and the various rights existing between the proprietors and the tenants should be defined and settled properly and in detail. Finally I request, Sir, that the Government should spare no pains to bring the tenants in Edavagais on a par with the *Pandarapattam* tenants.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): I support the principle of the Bill, but I wish to bring to the notice of the House that there are certain objections to it. First of all, I object to the definition of 'Edavagai'. It is defined here as follows:

> "Edavagai means a compact area recognised as such in the Government accounts, the whole or any portion of which area is exempt from payment of revenue to Government."

Suppose a certain man or a certain family has got a compact area of property and that family had got or may get in future a compound tax free. That also may be treated in future as 'Edavagai' if a notification is issued by Government. If that be allowed, there may arise several petty kingdoms in our petty State of Travancore.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will such a compound be recognised as an 'Edavagai'?

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): I did not use the word 'recognised'.

MR. T. K. ALEXANDER (*Kunnatnad I*): Does the member think that the Edavagai Chiefs are given sovereign rights?

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): He has not got sovereign rights, but he is to be given something that may be called sovereign rights. He is to be given the powers of a Tahsildar, the powers of a Peishkar and other things and what else is required to have sovereign rights?

DEPUTY PRESIDENT: The authority of a Tahsildar or a Peishkar is not any kind of a sovereign right.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): Section 5, Clause 2 reads

> "The rent fixed shall in no case exceed one-fourth of the gross yield of the land and shall be subject to such deductions as may subsist, by contract or by custom between the proprietors and the tenants."

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The rental, in Regulation IV of 1068, it is stated, will be fixed as on Government lands. Here it is said that the rental may be fixed in such manner that it may come up to ¼ of the gross yield of the land. What is the meaning of the word "yield"? It is very difficult to understand. It may be the yield from tapioca or tea plantation or anything else. In Poonjar, Vanjipuzha and other places, even cocoanut trees are not fit to be taxed at present. Very lately there was an instance of a special expert being sent out to inspect a certain cultivation which is only twelve years old and that expert himself found that about thirty per cent. of the cocoanut trees planted are attacked by some disease, the name of which the learned Chief Secretary may know. I do not know what it is. If cocoanut trees are attacked by such diseases, it is certain that arecanut trees are also attacked and when cocoanut trees and arecanut trees are attacked by such pestilential diseases, even jack trees will be affected. Plantain trees die out or their leaves get dried and in two months the plantain trees themselves will die out.

MR. A. EASWARA PILLAI (*Kottarakara*): I rise to a point of order. My friend is speaking about the cocoanut trees while discussing the principle of this Bill.

DEPUTY PRESIDENT: I think Mr. Raman Pillai is perfectly in order.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): I have mentioned these things simply to bring to the notice of this House what the sufferings of the tenants will be if the word "yield" is not removed. It ought to be taken away. In the Northern Division and in the northern half of the Central Division, cocoanut trees and arecanut trees will not grow in future. They will grow only after the devastating disease is removed and unless and until that is done, no trees can be taxed in that portion of the State. If such be the case, what is the meaning of the word "yield" in the Bill? Some other method must be found out. The land must be taxed and the tax must be fixed in accordance with the quality or the fertility of the soil. The trees cannot be taken into account in making assessment. That expression "gross yield" will go against the interests of the tenants.

MR. K. C. ABRAHAM (*Kottayam II*): May I know how the quality of the soil is to be fixed apart from the yield?

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): It was fixed in 1061 or so by a Proclamation as regards Settlement. The land was divided into certain classes and the tax was fixed. Somehow or other the Settlement authorities found out the different classes of properties. Similarly, those experts may find out the fertility of the quality of the soil. A settlement may take place 30 years after the coming settlement. I do not know how permanency can be obtained if a settlement is to be made every thirty years. So, that also should be taken away from the Bill. It should be a permanent settlement, so that the tenants may have permanent rights over their holdings.

As regards Section 10, suppose the Settlement authority, deliberately or by chance, does not settle a certain plot of land which has

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[Mr. R. Raman Pillai]

been in the possession of a tenant for the last 30 or 40 years. Is he to be evicted? That can never be allowed. Resort to Civil Courts must be had in appropriate cases. No provision is made for that in this Bill. Every statute must be, as far as possible, self-contained. So, such a provision also must be inserted.

Can Edapalli and Kilimanur Edavagais be resettled as the Regulation of 1068 is hereby repealed and there is nothing in this Regulation saying that the Edapalli and Kilimanur Edavagais may be resettled? All charges and losses that may be incurred by our Government may be paid by the Chiefs. Why not Government take up the whole responsibility for settling the land, calculating the tax and paying the balance found after deducting the expenses to the Chief and avoid all difficulties? There are several other tenures in these Edavagais, such as *Pandaravagai*, *Thiruvilam*, etc. These tenures are not mentioned in this Bill.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): സെക്ഷൻ 4 ക്ലാസ് 2-ൽ ഇങ്ങിനെയുള്ളതുകൂടി ഉൾപ്പെടേമോ?

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): How can these customs be known? That is the difficulty.

Now as regards investing agents with the powers of Tahsildars and Peishkars, I would fully agree with my friends who spoke against it and I had the misfortune of speaking against itself once before.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Was it a misfortune?

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): I think so. It is brought up again.

DEPUTY PRESIDENT: You please proceed with the subject.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): Investing the agents and Chiefs with the powers of Tahsildars or Magistrates is not desirable. Several of the Chiefs themselves may be said to be not sufficiently educated, but some of the Chiefs are otherwise. Even if they are very well educated, I think they cannot be given such powers.

Sripadom is governed by members of our Royal Family. Even then the members of the Legislative Council were not prepared to agree in giving such powers to Sripadom Officers. So, I do not think many of the members will be prepared to agree to invest such wide powers to all Chiefs and agents generally. I propose that the Select Committee when appointed should be directed to go to the Edavagais, enquire about the several tenures and about the other customs obtaining there and all those tenures should be entered explicitly in the Bill. I have also to submit to this House that existing contracts should never be violated. Properties that passed to the hands of the tenants under contracts and on payment of money should never be liable to the levy of fresh *tharavila* or *thadivila*. I hope that the Select Committee will go to the Edavagais make necessary enquiries and investigation.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know from the member whether tenants holding lands on *Venpattom* may be asked to pay *tharavila*?

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): I have no objection. They may be asked to pay. The members of the Select Committee may be directed to enquire into the matter and make necessary recommendations.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Then according to the member, the prior payment of a very small amount will be enough to deprive the Jenmi of *tharavila* in the new settlement. Suppose the Jenmi granted the property permanently for a few rupees. Is that enough?

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): For that purpose I request again that the Select Committee should be directed to make the necessary investigation in the matter and suggest the necessary alterations.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): സർ, ഈ ബില്ലിനോട് അനുബന്ധിച്ചിട്ടുള്ള ഉദ്ദേശവിവരണങ്ങളിൽ അന്തർഭവിച്ചിട്ടുള്ള തത്വങ്ങളോട് ഞാൻ പൂർണ്ണമായി യോജിക്കുന്നു. ഈ ബില്ല് നിയമമാക്കേണ്ടതു് ടെനൻസിനേയും ജന്മിയേയും സംബന്ധിച്ച് വളരെ അത്യാവശ്യമാണെന്നാണ് എന്റെ അനുഭവത്തിൽപ്പെട്ടിട്ടുള്ളതു്. ഈ ബില്ലിനെസംബന്ധിച്ച് കൂടുതലായി ചില നിർദ്ദേശങ്ങൾമാത്രമെ എനിക്ക് നൽകുവാനുള്ളൂ.

൨-ാംവകുപ്പ്, ൪-ാം ഉപവകുപ്പിൽ ടെനൻറസ് എന്നുള്ള പദത്തെസംബന്ധിച്ചുള്ള വിവരണം ഭേദപ്പെടുത്തേണ്ടതാണ്.

"Tenant" means a person who derives title to a holding immediately from the proprietor, and includes the *Karanavan* of a *Tarwad* or manager of a joint Hindu family.

എന്ന് പറയുന്നതിൽ "Immediately from the proprietor" എന്നുള്ള പദപ്രയോഗം ഭേദപ്പെടുത്തണം. ചീഫിൽനിന്നും കുടിയാന് വസ്തുവിന്മേൽ ലഭിക്കുന്ന അവകാശം മുന്നു കാരണങ്ങളാൽ സാമാന്യേ നശിച്ചുപോകാൻ ഇടയുണ്ട്. (ക) മരണം, (ഖ) ആക്റ്റസ് ഓഫ് പാർട്ടീസ്, (ഗ) ആപ്പറേഷൻ ഓഫ് ലാ എന്നീ മുന്നു കാരണങ്ങളാൽ ചീഫിൽനിന്നും നേരിട്ടുകിട്ടിയിട്ടുള്ള അവകാശം ആ കുടിയാനിൽനിന്നും അന്യരിൽ ലയിച്ചുപോകുന്നു. ഇങ്ങനെ പിൻതുടർച്ചാവകാശവഴിയോ മറ്റു അവകാശമുറയ്ക്കോ അവകാശം ലഭിക്കുന്നവരെക്കൂടി ഉൾപ്പെടുത്തത്തക്കവിധത്തിൽ വിവരണം ഭേദഗതിചെയ്യണം.

൩-ാംവകുപ്പ്, ൨-ാം ഉപവകുപ്പിൽ സെറ്റിൽമെൻറ് ആഫീസറുടെ തീർച്ചയെസംബന്ധിച്ച് അപ്പീൽകൊടുക്കുന്നതിന്, ജന്മിക്കും

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[Mr. T. P. Velayudhan Pillai]

കുടിയാന്മാർ അവകാശം നഷ്ടപ്പെടുന്നുണ്ട്. അപ്പീൽമൂലം ലഭിക്കുന്ന തീർപ്പ് യിന്മേലും ഉഭയകക്ഷികൾക്കും സങ്കടം ഉണ്ടാകാവുന്നതാണ്. അങ്ങിനെയുള്ള സങ്കടം സിവിൽക്കോടതിമുഖേന പരിഹരിക്കപ്പെടുവാനുള്ള അവകാശം രണ്ടുകക്ഷികൾക്കും കൊടുക്കേണ്ടതാണ്. അതിനെസംബന്ധിച്ചുള്ള വ്യവസ്ഥകൾ റഗുലേഷനിൽ ഉണ്ടായിരിക്കണം. ഈ വകുപ്പനുസരിച്ചു സെറിൽചെയ്തതിനുശേഷം കുടിയാനിൽനിന്നും ഈടാക്കുവാനുള്ള അവകാശം അതാതുവസ്തുക്കളിൽ പ്രഥമബാദ്ധ്യതയാണെന്ന് പറയുന്നുണ്ട്. അങ്ങിനെയുള്ള അവകാശം സ്ഥാപിതമായിട്ടുണ്ടെങ്കിലും സെറിൽചെയ്യുന്ന അവസരത്തിൽ ജന്മിക്ക് ഈടാകാനുള്ള കടിശ്ശിഖസംഖ്യയ്ക്ക് ആ വസ്തു ബാദ്ധ്യതപ്പെട്ടിരിക്കുമോ, ഇല്ലയോ എന്നുള്ള സംശയം ഈ വകുപ്പിൽ പ്രസ്താവിച്ചുകാണുന്നില്ല. അതിനെസംബന്ധിച്ചുള്ള ഒരു വ്യവസ്ഥ ഈ ബില്ലിൽ ഉണ്ടായിരിക്കേണ്ടതു് അത്യാവശ്യമാണ്. ഈ പ്രസ്താവനകളോടുകൂടി ഞാൻ ഈ ബില്ലിനെ അനുകൂലിക്കുന്നു.

MR. A. EASWARA PILLAI (*Kottarakara*): Most of the learned members are opposed to the principle of Section 17 of the Bill. For my part, I find nothing objectionable in Section 17. The Section only says that the Government may, subject to such rules and conditions as may be prescribed, empower any proprietor or his agent with all or any of the powers of a Tahsildar or a Division Peishkar under Regulation I of 1068 and under Regulation IV of 1091. This power is given only in the matter of collection of rents or taxes. Now the Proverthicar has got the power to collect taxes.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know from the member whether the Proverthicar exercises the powers of a Tahsildar or Peishkar now?

MR. A. EASWARA PILLAI (*Kottarakara*): No. He does not exercise. He is empowered to collect taxes and for that purpose he has power to take coercive steps. Power contemplated under Section 17 is purely discretionary and Government can withdraw such power from the Chief or his agent at any time when they abuse that power. General people are averse to pay taxes. If the power is not given to the Chief or agent, for taking coercive steps to collect taxes, they will have to apply to the Tahsildar. The local Tahsildar is an officer who has to attend to multifarious business. He may not find time to help the Chief in collecting the dues in time. So some sort of power must be given to the Chief or his agent for collecting his taxes. At least the power of a Tahsildar may be given to the Chief to take coercive steps against defaulting tenants. So, I do not agree with my friends when they say that the proprietor or his agent should not be conferred with any power.

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MR. A. THANU PILLAI (*Trivandrum-Rural*) : May I know from the member whether he realises that the powers contemplated under Regulation I of 1068 and IV of 1091 will extent to inflicting of imprisonment of parties ?

MR. A. EASWARA PILLAI (*Kottarakara*) : No imprisonment in this case. In the matter of speedy collection of taxes or rents, some sort of power to the Chief or agent is highly indispensable This section does not contemplate it. So, the principles must be retained intact.

DEPUTY PRESIDENT : So far as we are able to see, most of the members who have spoken in favour of the principles with certain reservations and with certain suggestions for modification in the Select Committee. Hitherto I have not been able to see any one coming forward to oppose the Bill. I must remind you that, as far as possible, consistently with the proper discussion of this question, I want to remind the House of what we undertook on a former occasion with regard to the educational policy.

Therefore, in discussing this Bill (or any other Bill) anybody who opposes the Bill may come forward, so that a more profitable discussion can be had within the time available.

The House adjourned for lunch at 1-16 P. M. and re-assembled at 2-1 P. M.

MR. T. P. RAMASUBBA AIYAR (*Nominated*) : Sir, I would like to say a few words on this Bill. In the first place, sub-section (2) of Section 1 of the Bill says that this Bill extends to the Edavagais mentioned in the Schedule and to such others as may be notified by Our Government. But in the Schedule only two Edavagais are mentioned. There is no mention about the Edapalli and the Kilimanur Edavagais except in Section 12. I consider that this is insufficient. A separate Section to the effect that the Bill will be applicable to the Edapalli and Kilimanur Edavagais also, in regard to matters not provided for in the Regulation now applicable to them, should be introduced in the Bill.

Section 5 (1) says—

> " (1) Subject to such rules as may be prescribed, the conduct of settlement and the proceedings of the Settlement Officer shall, as far as may be, be regulated by the procedure, for the time being in force, relating to the settlement of Government lands".

I take it that this provision will apply also to the registry of *rea-pattom* and other lands held by tenants within the Edavagais at the time of settlement.

In regard to the rate of assessment, Section 5 (2) says.

> " (2) The rent fixed shall in no case exceed one-fourth of the gross yield of the land and shall be subject to such deductions as may subsist by contract or by custom between the proprietors and the tenants".

This is a very important provision since it is this that is going to guide the Settlement Officers in settling the lands. The Law Member was not able to give us definite information as to whether 25 per cent. of the yield is the maximum that the Chiefs are getting at present. If the tenants are really paying much more or much less than this 25

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[Mr. T. P. Ramasubba Aiyar.]

per cent. now suggested in the Bill or any other definite percentage of the gross yield that may be suggested by the Select Committee, if they too are going to do it, there will be real difficulty in settling the land. Either the Chief will be hit or the tenant. What I would therefore suggest is that, at least before the meeting of the Select Committee, Government should obtain more definite information as regards the several tenures obtaining in the Edavagais and the rates of rent, particularly the lowest and the highest, now being paid by the tenant, and also all such relevant information. What I have to suggest in regard to this matter is that the principle that now applies to the Kilimanur and Edapalli Edavagais may be made applicable to these two Edavagais also. So far as the Edapalli and Kilimanur Edavagais are concerned, the principle is this. In regard to paddy land, one *para* is set apart for seed, one *para* for cultivation expenses—these two *paras* are deducted from the total yield and given to the cultivator as part of his share—and out of the net balance six-tenths goes to the proprietor and four-tenths to the cultivator. In the case of garden lands, an appropriate rate is fixed for the land and the yielding trees of specified description are taxed according to specified rates. In this Bill, on the other hand, the maximum of 25 per. cent. of the gross produce is made applicable to paddy lands and garden lands alike. I made a rough calculation and found that the provision in the Bill, when compared with the rates obtaining in the case of Government lands, about which I quoted the Royal Proclamation of 1061, works very favourably to the Chief in the case of lands carrying a *pattom* of 6 *paras* and above, and at very great disadvantage to the Chief in the case of lands carrying a *pattom* of less than 6 *paras*. And, in the case of garden lands, according to the provision in the Bill, it works at a very great disadvantage to the tenant—the rent will be abnormally heavy. Let us take, for example, a garden with 60 cocoanut trees per acre. If Rs. 2 is taken as the annual yield of a tree, the gross yield comes to Rs. 120 per acre. Twenty five per cent. of that is Rs. 30. That is certainly very high for an acre of cocoanut garden especially when compared with the rate of assessment by Government. I would therefore suggest that in this matter, the method of assessment provided for in the Royal Proclamation of 1061 in the case of the Edapalli and Kilimanur Edavagais may be followed and made applicable to the Vanjipuzha and Poonjar Edavagais also. For that purpose, the necessary information in regard to the present rates of rent must be obtained before the Select Committee meets. Unless we prescribe some definite method of assessment in the Bill, it is sure to lead to trouble at the time of settlement.

Then, I understand there are, in these Edavagais, some special tenures, like the *adima* and the *Tiruvulam* tenures. Section 24 of this Bill lays down that these are also subject to the ordinary rates of assessment. These are *inam* lands and bear only 1/8th assessment ordinarily, and one-half on alienation. The lands held under the Chief also require special treatment in this matter. The Sections in the Bill relating to these matters are defective and require amendment.

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Coming to Sections 10 and 17, to which reference has been made by some of the members, there seems to be apprehension that the officers of the Chiefs, who are sought to be given powers under the Revenue Recovery Regulation, are likely to misuse those powers. In regard to Edapalli and Kilimanur, the present position is this. The officers of the Edavagai are given powers of the Proverthicars ; the Tahsildar for the Edavagai is the Tahsildar of the taluk ; so also the Peishkar. In case of default, the Edavagai Proverthicar prepares the demand notices and submits them to the Tahsildar of the taluk. He is expected to look into the Rent Registers, satisfy himself that the demand is correct and then sign the notices. But as a matter of fact, the Tahsildars blindly sign these notices and afterwards do not concern themselves with the matter. Coercive steps are also taken when necessary, without any difficulty, at the suggestion of the Edavagai Proverthicars. In the case of *poramboke*s also, the Tahsildars are supposed to take action ; but, there have been very few cases in which actually they have taken action. In a comprehensive law of the kind now sought to be enacted, the object of which is to help the Edavagai as well as the tenant, certainly provision must be made conferring powers, under the Revenue Recovery Regulation and the Poramboke Regulation, on the officers of the Edavagai, subject, of course, to necessary and adequate safeguards in order to prevent abuse or misuse of such powers. Some of my friends suggested the *Mas[illegible]padi s* of the Chief being given powers of the Dewan Peishkar. I would like to draw attention to Section 2 (4) which definites " Agent" .

> " Agent " means a person appointed by a proprietor for the management of his Edavagai and whose appointment has been approved by the Government and notified in the Government Gazette."

It is not any servant of the Chief that can be called his " Agent " for the purpose of this Bill.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : May I ask whether such agent will be answerable to Government once the Government approve of his appointment as agent ?

MR. T. P. RAMASUBBA AIYAR (*Nominated*) : He will be answerable in the sense that all his records are subject to inspection by the local Tahsildar at any time, and also subject to the annual *Jamabandi*, so that, if there is any irregularity, it will be brought to the notice of the Chief and the officer brought to book.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Will he be subject to control by the department like other officers of the department?

MR. T. P. RAMASUBBA AIYAR (*Nominated*) : I may point out that Government will not approve of the appointment by the Chief unless the proper person has been appointed. In the case of Poonjar, for instance, at present, it is one of the Government Tahsildars that has been loaned to the Edavagai.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I am asking whether the Bill, as it is before us, insists on the appointment of such men only.

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MR. T. P. RAMASUBBA AIYAR (*Nominated*): There is provision; that is what I am submitting. Section 17 says:

"*Our Government may, subject to such rules and conditions as may be prescribed, empower any proprietor or his agent.*"

Certainly elaborate rules limiting the discretion of these Edavagai officers in the exercise of their powers may be framed by the Government.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know who, in the Edapalli and Kilimanur Edavagais, exercised these powers under the Revenue Recovery Regulation?

MR. T. P. RAMASUBBA AIYAR (*Nominated*): I have already explained that the officers of the Edavagais have been given Proverthikars' powers, and that the Tahsildars and the Peishkars for the Edavagais are the Government Tahsildars and Peishkars of the locality.

MR. PUTHUPALLI S. KRISHNA PILLI (*Quilon II*): Has it ever been found to work unsatisfactorily?

MR. T. P. RAMASUBBA AIYAR (*Nominated*): Very; I have had my own experiences in the matter.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Has the member, by his experience, found that it would be better if these powers are conferred upon those persons whose conduct ordinarily forms the subject of complaints? For instance, suppose there is an auction sale of property for arrears and the sale had to be confirmed. Does the member think that it would be in the interests of the aggrieved party to give all the powers under the Revenue Recovery Regulation to the party for whose benefit the auction was conducted or to his agents?

MR. T. P. RAMASUBBA AIYAR (*Nominated*): I daresay that the officers appointed by the Chiefs and approved of by Government will be quite as good as Government officers.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is it not likely that this provision will lead to genuine grievance on the part of the tenants and lead to a lot of complaint?

MR. T. P. RAMASUBBA AIYAR (*Nominated*): As I have already submitted, all the Edavagai records are liable to be inspected by the Tahsildar and the Peishkar any time they choose, and have to be inspected once a year by the Peishkar.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know whether there is any provision in the Bill empowering the Government Dewan Peishkar to interfere with any order passed by an Edavagai Dewan Peishkar?

DEPUTY PRESIDENT: That question need not be answered.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Are these Edavagai officers subject to the disciplinary control of Government officers?

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MR. T. P. RAMASUBBA AIYAR (*Nominated*): If, as the result of experience, it is found that a particular officer of the Edavagai is misusing or abusing his powers, there is nothing to prevent the attention of the Chief being drawn to it and the Chief will naturally send that particular officer away and replace him by a proper officer approved by Government.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Can the Government punish the Edavagai officer?

MR. T. P. RAMASUBBA AIYAR (*Nominated*): No.

Ordinarily, we must take it that the Chief will suggest names of suitable persons to the Government, so that only the right man will be appointed with the approval of Government. Government can, in the rules contemplated by Section 17 of this Bill, lay down the qualifications of these Edavagai officers. Certainly, if the proposal is to confer Peishkar's powers on the Edavagai officer, only a superior officer will be chosen for that post. As I have already pointed out, the present Commissioner in one of the Edavagais is a Government Tahsildar. Where is the harm in such an officer exercising the powers under the Revenue Recovery Regulation?

MR. K. P. KRISHNA MENON (*Parur*): Does the member suggest that there is no harm even in the proprietor being invested with Peishkar's powers? There is that contingency also.

MR. T. P. RAMASUBBA AIYAR (*Nominated*): I know the Bill provides for that also.

DEPUTY PRESIDENT: With reference to Mr. Ramasubba Aiyar's observation that it is a Government Officer (Tahsildar) who is now manager of an Edavagai, I would observe that, in considering such measures as the one now before the House, allusion need not be made to any particular officer, because it will make discussion rather delicate and difficult.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): May I know from the member whether the decisions of the Tahsildars and the Dewan Peishkars are subject to appeal and revision?

MR. T. P. RAMASUBBA AIYAR (*Nominated*): The Tahsildar's decision will obviously be appealable to the Dewan Peishkar who is empowered with revision powers. With regard to power of appeal over decision by the Dewan Peishkar, there is a defect in the Bill to which I am going to refer. The Peishkar's powers have been proposed to be given either to the Chief himself or to his Agent. My question is that, in the case of the administration of this Regulation, so far as Government lands are concerned, the revision power over the Dewan Peishkar's appellate order vested with the Government and subsequently it rests with the Land Revenue Commissioner. There is no provision in the Bill for the revision power being exercised by any officer over the appellate order of the Dewan Peishkar. If, as a matter of policy, the agent of the proprietors is made the Dewan

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[Mr. T. P. Ramasubba Aiyar.]

Peishkar, then it may perhaps be possible to give the revision power to the Chief. But if the Chief himself is to exercise the powers of the Dewan Peishkar, it is necessary to invest the Land Revenue Commissioner, or the Government, with revision powers under this law. That is a defect which I think can be rectified in the Select Committee stage. One more point, and I am done. I find that in the Rent Recovery Regulation IV of 1068 also no power is reserved for the tenants to resort to the Civil Courts if they are aggrieved by any of the orders of the officer. I would suggest that, now that this is a comprehensive law, a provision may be made safeguarding those rights.

MR. P. G. RAMA VARMA RAJA (*Co-opted*): Sir, in supporting the Bill in toto I may be permitted to say a few words. The estates of Kilimanur and Edapalli are omitted in this Bill, and my submission is that they also may be included. During the discussion of the Bill, the main objections were with regard to Sections, 10, 17 and 5. My submission with regard to Section 10 is that, in the interests of the Chiefs, such powers are necessary and essential. Especially in regard to the Poonjar Edavagai, I know that as a matter of fact a great portion of the lands have been trespassed upon and certain improvements also might have been made by tenants. If there is no provision in law to evict those tenants, my submission is that the settlement also cannot be properly done.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is there is no provision of law at present?

MR. P. G. RAMA VARMA RAJA (*Co-opted*): There is a provision of law by which the Chief should go to a Civil Court. My submission is that this will take much time and will defeat the provisions of this Bill. It is true that certain lands, especially in the Poonjar Edavagai, have been registered mostly on *Venpattom* lease. What happens generally is that a small bit of land will be registered in the name of a tenant and he will be in possession of double, treble or even ten times the land registered in his name. When a survey and settlement is conducted, there will be a large excess of such land and such an excess of land cannot but be recovered under such a Regulation, and in the interests of the Chiefs and in the interests of the proper conduct the settlement, my submission is that such provisions are necessary.

MR. N. E. VARUGHESE (*Tiruvalla I*): ഇപ്പോഴത്തെ നിയമത്തിൽ മേഹണ്ടവില കൊടുക്കണ്ടതിന്ന് വകുപ്പില്ലെന്ന് അറിയാമോ?

MR. P. G. RAMA VARMA RAJA (*Co-opted*): അറിയാം.

MR. N. E. VARUGHESE (*Tiruvalla I*): ഒരാൾ ബലമായി വസ്തുവിൽ പ്രവേശിച്ച് മേഹണ്ടം ചെയ്താൽ ആ മേഹണ്ടം കൊടുക്കാതെ ഒഴിപ്പിക്കണമെന്നാണോ മെമ്പറിന്റെ അഭിപ്രായം?

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MR. P. G. RAMA VARMA RAJA (*Co-opted*) : അങ്ങിനെയാണ് എന്റെ അഭിപ്രായം.

MR. N. E. VARUGHESE (*Tiruvalla I*): യാതൊരു ദേഹണ്ഡവിലയും കൊടുക്കരുതെന്നാണോ അഭിപ്രായം?

MR. P. G. RAMA VARMA RAJA (*Co-opted*) : When the entry itself is unlawful, my opinion is that no compensation ought to be given for improvements.

MR. N. E. VARUGHESE (*Tiruvalla I*): ഇപ്പോൾ നിയമപ്രകാരം ദേഹണ്ഡം വാങ്ങുന്നതിന് അവകാശം ഉണ്ടെന്നുള്ള സംഗതി അറിയാമോ?

MR. P. G. RAMA VARMA RAJA (*Co-opted*) : അങ്ങിനെ ചില കോർട്ട് വിധികൾ ഉള്ളതായി എനിക്കറിയാം.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : Does the member make a difference between old entries and comparatively recent entries, that is to say, a trespass, say, a hundred years old, and a trespass only a year old ?

MR. P. G. RAMA VARMA RAJA (*Co-opted*) : A trespass is a trespass whether it took place a hundred years ago or only a year ago.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*) : Is it the view of the member even then that a trespasser cannot be compensated ?

MR. P. G. RAMA VARMA RAJA (*Co-opted*) : I do not say that he should be totally deprived of compensation. But that matter also may be considered by the Select Committee.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : May I know from the member whether the law of prescription has to be applied in the case of these lands ?

MR. P. G. RAMA VARMA RAJA (*Co-opted*) : It is a matter for the Civil Courts.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I wanted the opinion of the member as representing a particular interest and I did not want a Civil Court judgment on it.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*) : May I know from the member the special claims of the Edavagai Chiefs to be, exempted from all the provisions of the civil law in the country ?

DEPUTY PRESIDENT : Mr. Raja may give his opinion, if he has any; but he is not bound to give it. It will mean so much of historic research.

MR. P. G. RAMA VARMA RAJA (*Co-opted.*) : My submission is that when the properties of the Edavagai Chiefs are attempted to be settled, such powers are also necessary for the proper conduct of the settlement. Otherwise, it will take much time and the settlement also cannot be properly conducted in the absence of such powers.

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[Mr. P. G. Rama Varma Raja.]

Section 17 is another Section over which there is some controversy in this House. With regard to that point, especially with regard to the Poonjar Edavagai, I may submit that almost more than three-fourths of the land are held by tenants on *Venpattom* tenure. At present the Chiefs have got the right to recover the property and now this Bill enacts that the tenants will get a permanent tenure over these holdings.

MR. A. THANU PILLAI (*Trivandrum Rural*): May I know from the member whether the Chiefs are prepared to give permanent rights to all the *venpattom* holders?

MR. P. G. RAMA VARMA RAJA (*Co-opted*): Provided, we are also compensated for the surrender that we make.

DEPUTY PRESIDENT: Does Mr. Raja answer on behalf of the Chiefs or only as a member of this House?

MR. P. G. RAMA VARMA RAJA (*Co-opted.*): As a member of the House.

DEPUTY PRESIDENT: Then you cannot put him the question Mr. Thanu Pillai.

MR. P. G. RAMA VARMA RAJA (*Co-opted*): In fairness to the Chief, my submission is that either he or his agent should be invested with the powers of collecting revenue. Otherwise, he will have no certainty of getting his income. My submission is that, in view of the surrender of the rights that he makes, his interests also should be safeguarded and he should be allowed the powers of collecting the revenue due to him.

MR. KANIKKARA M. PADMANABHA PILLAI (*Changanachery I*): What is the objection of the member to Government appointing directly persons to collect these taxes and handing them over to the Chief?

MR. P. G. RAMA VARMA RAJA (*Co-opted*): Let me inform the member that the properties belong to the Chiefs in spite of the settlement that is made by the Government and the Chiefs have not surrendered their ownership over the property and that they want to retain with them the right or authority over the property.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): May I explain my question, Sir? I expressly stated that the tax should be collected and handed over to the Chiefs. That is because the property belongs to the Chief. I want to know why the Chief himself should have the power to collect the tax?

MR. P. G. RAMA VARMA RAJA (*Co-opted.*): Surely, the Chiefs want to retain with them the authority of collecting the tax. In the absence of a provision to recover the tax from the tenants, the Chiefs will be in a very disadvantageous position. They will have surrendered their rights to the tenants and they will have nothing in return for the surrender. My submission is that, in view of the great hardship that would be caused to the Chiefs in the absence of such a provision, that provision is highly necessary. It can do no harm to the tenants, provided they pay their rents regularly. My view is that it is in no way harmful to the tenants.

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MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know from the member whether, in case the tenant sometimes neglects to pay harm will be done to them?

MR. P. G. RAMA VARMA RAJA (*Co-opted*): They must pay when action is taken.

In regard to all the provisions of the Bill, I support the Bill in toto.

MR. A. THANU PILLAI (*Trivandrum—Rural*): For well-known reasons, the State is placed in an altogether different position from any other land-owner. The laws enacted for facilitating the collection of Government tax should by no means be made applicable to benefit a private individual, unless there are very convincing and forcible grounds for adopting that course. (Mr. Krishna Panickar: *Hear, hear*). We recently passed a Regulation enabling the jenmies to collect the dues or to have their dues collected in a much easier way than they used to do, because we considered that, taking into account the position of the jenmies in the State, the circumstances in which the tenants were placed, the sacrifices the jenmies were willing to make in favour of the tenants, the amount of litigation in the country, taking all that into account, we should pass a law enabling the jenmies to collect their tax or to have their taxes collected in a particular way. Now, that was referred to by the Law Member in the course of his speech. Similarly, Sir, we can think of a legislation like this only in the event of the proprietors of these Edavagais making substantial sacrifices in favour of the tenants. So, the provisions in the Regulation in favour of the proprietors should certainly depend upon the extent to which the tenants are going to be benefited. And it is in that view that I wish to analyse these provisions. It was stated that the tenants are hereafter going to get permanency of tenure. What is the permanency of tenure and what tenants are going to be given that? These questions have not been answered. Is it that the present *Venpattom* tenants would get permanent tenure? Sir, it was admitted here that a large majority of these Edavagai lands are held under *Venpattom* tenures, at any rate, in Poonjar. They will get permanency of tenure, if I am to understand, from the course now proposed, from the discussion here, only in case they make a payment. That position is not clear at all. Probably that matter may be discussed in the Select Committee. As provisions of the Bill now stand, that matter will have to be settled rules to be prescribed by Government.

Sir, from certain answers I gather that certain tenants have been granted these lands with a right to enjoy them permanently. Barring those tenants, others are all *Venpattom* tenants. They have to make payments by way of *tharavila* and *thadivila* and then to get registry in their names.

DEPUTY PRESIDENT: Just to enable myself to follow your argument, one question. Would you consider the proprietors of these Edavagais as ordinary jenmies or would you give them a higher rank?

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MR. A. THANU PILLAI (*Trivandrum—Rural*): I would consider them a different set of people from the jenmies.

Government have treated them only as ordinary tenants. At the time of settlement these are not settled. From the Land Revenue Manual, I find one statement where it relates to the Vanjipuzha Chief's relations between him and his tenants as those between a landlord and tenant, and Government are not very certain. So a survey and settlement of his Edavagai was not done. On the other hand, since that has been the way in which the Edavagai has been treated thus far, it is for the member who brought forward the Bill to make out a case of treating this Edavagai on a different footing. That case has not been made out. So apart from that, what is the benefit that is going to accrue to the subjects of His Highness? What is that benefit that is to be offered is the question? I have not been able to get a satisfactory answer. That may be left to the Select Committee and may be settled. That is the reply. But will the Select Committee be able to go into the matter and discuss in extenso and arrive at a conclusion?

One more observation. This is a measure that is going to affect all parties, the Edavagais and the tenants intimately. For that we should have sufficient materials placed before us by the Edavagais and also by the tenants. Is there any agitation on the part of tenants? What is the nature of that? What are the materials that they have brought forward? What are their demands? All these things are not placed before us. Personally, of course I am not the judge in the matter; I am strongly of opinion that these particulars are highly necessary to arrive at a conclusion in regard to these matters. Let us go into the comparative advantages and disadvantages. What are the advantages the tenants will get? Permanency of tenure apart from liability to pay. That is something which I can appreciate. But facts are not forthcoming. If it is liability to pay, I take it, I am open to correction, these *Venpattom* tenants after payment of different amounts at different rates have taken the tenure of the land. There may be *Venpattom* tenants who may have advanced nothing. There may be *Venpattom* tenants who may have paid Rs. 10 per acre. There may be those who may have paid Rs. 100 per acre and Rs. 1,000 per acre. It may be so. Nobody says the facts are not so. In the case of the tenantss what are the principles to be adopted? Are these things to be left to the rules to be framed by Government? I think it would be dangerous to do so. We must try to arrive at and settle rules in advance and we must make clear provisions in the Bill before it emerges from the Select Committee. And probably if it is found necessary, evidence will have to be taken; and I agree with Mr. Raman Pillai that evidence may be taken by the Select Committee if it is found necessary.

Then, with regard to the amount of assessment, the maximum fixed is one-fourth of the annual yield. I may also mention in this connection the great flaw in the statement that we are going to give

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permanency of occupancy to the tenants as compared to the permanency of occupancy otherwise given at the time of the settlement of Government land. That settlement started on the basis of a Proclamation that persons who were enjoying unsettled lands will be given permanency of tenure. There is nothing like that in this Bill. I do not find any provision that, in the case of such lands as are settled, there would be permanency of right of occupancy. In the case of those lands there would be that. To safeguard the interests of the tenants there are no definite rules. The Select Committee should go into the matter and then very carefully look to the interests of the tenants and see that absolutely none suffers, because the tenants have not come forward that they should get a permanent right of settlement and all that.

So in regard to the amount of assessment, the only provision is that it should not exceed one-fourth of the gross yield. It was only the principle that we discussed at the time of the Land Revenue Settlement and they have to be accepted in this case as well.

Coming to the other provisions of the Bill, I am entirely at variance with the members who pleaded for the investing of the Chiefs and their agents with powers, which should not be conferred on anybody under the sun, over whom Government have not complete disciplinary control. Here, Sir, all the Statutes, practically all the operative Statutes relating to recovery of land revenue and administration of public lands are said to be made operative within the Edavagai and put into effect and availed of by the agents. This is the position I really shudder to think of. It may be stated that after all competent men will be appointed. They may be competent or incompetent, there is no guarantee. If an officer does anything in an official capacity he must always have the feeling that he is liable to be scrutinised. Here, there is no guarantee like that. All the Regulations, the Land Assignment Regulation, the Land Conservancy Regulation, the Land Revenue Recovery Regulation, all these are said to be made applicable. Personally I think there is no justification for making the Land Conservancy Regulation, popularly known as the Poramboke Regulation, being made applicable to these Edavagais. If a proprietor mismanages for decades and decades and ultimately finds no source of help, he comes and tells us "My affairs are in confusion. Enact a law to enable me to collect my tax. Invest me with power. I shall evict all the tenants." Can anybody be heard to say this? I think not. I fully realise that these persons own large areas. A person who owns large areas must have sufficient resources at his command to deal with the situation arising inside his property. A person may own one acre of land. He will come and complain that 90 cents are encroached and he will request Government to permit him to exercise the Land Conservancy Regulation to get his 90 cents. Similarly it may be a person with 50 square miles. He may say all my lands are occupied by trespassers and so give me the power. That is a plea that cannot be heard. In the case of these Edavagais, they are extensive lands where government certainly is being carried on in respect of Governmental

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[Mr. A. Thanu Pillai.]

activities much in the same way as in any other part of the land. There are schools and hospitals and roads and all these are Government institutions. There is policing. For these the Edavagais do not contribute anything to the State coffers. Now they come and say "Our personal affairs are in confusion, come and help us."

So I am clearly against the Land Conservancy Regulation being put into operation in any part of the Edavagais. If substantial advantages are given to the tenants, I may concede that the settlement may be effected and we may go to the extent of helping these Edavagai Chiefs, to collect their rents by putting into effect the laws as in the case of jenmies, for whom provision is made in the Rent Recovery Regulation. When these Regulations are put into effect, action need be taken by Government Officers only.

The Edapalli and Kilimanur Edavagais are as important as the Poonjar and Vanjipuzha Edavagais and when Regulation IV of 1091 was passed bringing into effect Regulation I of 1068 for purposes of collecting rents, care was taken to clearly state in the Section that the Revenue Recovery Regulation be put into effect "by our officers". Why, Sir, by omitting these three words "by our officers" what change is sought to be made in the year 1109 which was not found necessary in 1068? I cannot understand what took place in the State during this period between 1068 and 1109 to make such a change in the laws of the land. Just remember the high-handed acts of the Chiefs or their agents. It has to be remembered that it is the citizen of the State that is concerned here in the investing of the Chief or his agent with power to attach and sell movable and immovable property of any Travancore citizen.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): ടെനൻസിനെ കൊ ല്ലാതെ മറ്റുള്ള വരേയും ഈ നിയമം ബാധിക്കുമോ?

MR. A. THANU PILLAI (*Trivandrum-Rural*): I believe that these tenants are also Travancore citizens. They are also under the protection—the benign protection—of our Government and the laws that our Government administer. There is no distinction on that score. I am therefore emphatically against any power being vested in them.

My proposals are therefore that the Land Conservancy Regulation should not be made operative on these areas by the agent or the Chief. The other Regulation—Revenue Recovery Regulation—may be made applicable subject to the proviso I have stated above. If the provisions are accepted as embodied in this Bill with these reservations—and they are very very great reservations—I concede that, in my opinion, the Bill may be accepted.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I wish to make a few observations upon this Bill that is now placed before this House. So

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far as it goes to improve the condition of the tenants, I accept the principle of the Bill. But when that concession is made the pretext for taking away the ordinary rights of the citizen, I oppose the principle. In this we find that extraordinary powers are to be utilised for realising the dues of certain Edavagais.

With regard to Edapalli and Kilimanur, the rights to realise their dues under the Revenue Recovery Regulation was conferred in 1068. We find that, though subsequent tot hat, the commutation rate at which the tax is to be realised was fixed at a low figure by the Travancore Government, Edapalli and Kilimanur are not bound by it. The machinery by which these dues are collected by the Travancore Government has been taken advantage of by these Chiefs to oppress the ryots. When therefore by taking advantage of a particular power vested in them by a Regulation, these Chiefs have been oppressing the ryots, is it proper for this House to extend such powers to certain other Chiefs also? I have been advocating the cause of some of the tenants of Edapalli to the Government and I found that the reply given by the Government was that they are powerless. In view of that reply we must take particular care to see that the rights which are to be given to the chiefs of such Edavagais are restricted. We find that the opinions that proceedings in execution of Civil Court decrees against persons must be prohibited and that immovable property must not be sold in court auction are gaining currency. Those are the ways by which the Edavagai Chiefs could realise their dues at present. Now they want to make use of the Government machinery to realise their dues when the right to realise the dues of the rest of the inhabitants of this country is going to be restricted. I think that we must take particular care that we do not allow this Bill to be passed in this form

DEPUTY PRESIDENT: May I remind the member that this is a Government Bill? It is not the Edavagai owners wanting to make such a machinery but Government proposing to give them.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): No Sir, it is answered by the Law Member that representations were received by Government from the Edavagai Chiefs and therefore it was at their instance that the Government have brought forward the Bill.

DEPUTY PRESIDENT: But Government are responsible for this piece of legislation.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): With regard to this legislation, now it is placed before representatives of the people and so our responsibility is heavy. We find that when the tenants of Edapalli or Kilimanur made some representation to the Travancore Government to give them some conveniences and amenities now enjoyed by the rest of the inhabitants of this State, they are told that they must go to the Edavagai Chiefs. Sir, I ask, if the Edapalli Chief or Kilimanur Chief or Poonjar Chief desires to enjoy the privileges of a Sovereign by realising the dues through the aid of the Revenue Recovery Regulation,

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[Mr. A. S. Damodaran Asan.]

why could they not give some convenience to the inhabitants from whom they are realising the dues? So all that I want to say is that, if the Government is going to help them by providing summary means by which the dues are realised, the Government should see that the subjects in those places are not in a position of disadvantage when compared to the other Travancore subjects. If we move Government that there must be some remission of taxes, that commutation rate should be lowered, Government may do it. At the same time the inhabitants of Edavagais have to pay the full amount. If the rights conferred by this Regulation are once vested in the Chiefs, the Government would plead inability to interefere with such rights. If the Chiefs agree fully to abide by the conditions which are laid down by the Travancore Government, with regard to the manner and the amount of tax to be realised from the inhabitants of those localities, I have no objection to confer upon them the rights. Otherwise I am not for giving permission for the further consideration of this Bill. With regard to the other observations made by some of my friends, I hope that the Select Committee would take into consideration all the suggestions put forward by the members and bring a thoroughly modified Bill for the consideration of this House.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, the Regulation, IV of 1068, came into operation about forty years back. But we made during the long period of 40 years rapid progress in regard to constitution and preservation of individual rights over person and property. It is rather regretted that, in a piece of legislation introduced 40 years after the Regulation of 1068, we should find certain provisions which are contrary to all accepted principles of legislation. In 1068 when the Edapalli and Kilimanur Chiefs had to be protected, the Government or the then Legislative Council did not deem it desirable that there should be a provision for the purpose of summarily evicting the tenants who are in occupation of the Chiefs' lands and are effecting substantial improvements. Now it is a principle accepted by all, even in very aboriginal countries, that when a person is in occupation of a land, has invested labour and spent money on that land and has improved it, he has got a right to resist eviction as against every other person in the world. That principle has been accepted by our High Court and has been made the basis of several decisions which to establish this fact that a person in possession, a person who spent and invested money on land, is entitled to resist eviction. So far as Government are concerned, the Legislative Council has made an exception and they say that, under the Land Conservancy Regulation, people may be evicted without any regard for funds and labour spent on the land. I am not in a position to understand why that provision of law should be made available so far as these Chiefs are concerned. If from 1068 to 1109, these people can live and protect their rights

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without putting in action such a provision of law, it does not stand to reason that in these days, *i. e.*, in 1109, we should come forward with an enactment which is subversive of all accepted principles of law. Regulation IV of 1068, does not contain any provision corresponding to Section 17. The principle contained in Section 17 is the principle brought forward on several occasions for the consideration of this House and rejected in a summary fashion. It is the same as that involved in the Revenue Recovery Regulation Amendment Bill, otherwise known as the Sreepadom Bill. I do not understand why this should be brought forward again and again. Sir, then this question was carefully and elaborately considered. The Government were able, at that time, to get a majority, but it was found that it was inadvisable to accept this principle and therefore that Bill, which was passed by this House in the teeth of very strong opposition, was never brought forward and accepted as law. Therefore, Sir, I think that Government should very willingly come forward and withdraw Section 17. During 40 years Edapalli and Kilimanur realised their dues and it does not appear why other Chiefs could not realise their dues in the same way. It has been startling news to me, Sir, that a person of such high experience as Mr. Ramasubba Aiyar should have come forward with a suggestion that it should be accepted. I am sure that he would not advocate payment of a portion of the collections to the officer concerned.

DEPUTY PRESIDENT : May I point out that what an officer would have done when he was in service does not arise ?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Far from that, I am only referring to the general principles involved in carrying on a thankless task and an unremunerative work and that is all. Government might give reasonable help in lending the services of their officers.

Then another observation made by him is that there will be annual inspections and half-yearly inspections of the revenue accounts of the Chiefs. We know more or less what these inspections are going to do. We might have even daily inspections of this kind, but they will be of no avail. You are giving them a sword to fight the tenants. After having given them the sword, it is not open to you to turn round and say " You ought not to use the sword we have given you so as to injure the tenant". Such a statement will not be of any avail. Unless there are sufficient safeguards in the Regulation itself, the principles contained in Sections 10 and 17 cannot be acceptable to this House.

I would also like to draw the attention of the House to some of the other grave omissions and shortcomings in the Bill. At first, we thought that this Bill was intended for giving permanent occupancy rights to the present occupants of the Edavagai lands, and we gladly welcomed the measure. It is these people who have invested their money and improved these lands ; they must, therefore, be given the right of uninterrupted enjoyment of these properties, provided, of course, they pay punctually the amounts legally due to the proprietor. But, on close scrutiny, we find that the real object of Government is far from it.

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[Mr. Puthupalli S. Krishna Pillai.]

Instead of having the interest of the tenant at heart, I am afraid Government have borne in mind only the interest of the Chief. I may refer, for instance, to the definition of the terms "holding" and "tenant" contained in Section 2.

"One or more parcels of land held under one instrument in writing, and under one set of conditions and, in case of the absence of any such instrument held as the result of a single transaction."

The holder, therefore, is a person, who under the terms of an agreement entered into between himself and the Chief, is in possession of the land. The definition also says that such possession shall be evidenced by deed in writing, or may be proved by parol evidence. If, therefore, in a particular case, the tenant happens to be in possession of land but has no instrument in writing or is not able to establish any agreement between him and the Chief with respect to such possession of the land, he ceases to be a holder under this definition. If, for instance, the person in possession entered upon the property under certain conditions with the jenmi which it is not possible for the tenant to establish, he will not come within the operation of this sub-section.

"A person who derives title to a holding immediately from the proprietor, and includes the karanavan of a tarwad or manager of a joint Hindu family.

Sir, a person's right to be in possession and his right to the value of improvements effected by him, is recognised by law even if such possession has been obtained by trespass. A tenant under the Bill means a person who derives title to a holding *immediately* from the proprietor. If a person happens to derive interest in the property by devolution of interest, either by operation of law or by assignment, is he a person who derives title *immediately* from the proprietor? He is not. He does not derive it *immediately* from the proprietor. He derives it only by various stages of devolution; so, he will not be recognised as tenant under the Bill. There is also another point. The definition says:

"Person who derives title to a holding immediately from the proprietor, and includes the karanavan of a tarwad or manager of a joint Hindu family.

What is the rule applicable to a Christian family? A person who was in possession of the property dies. Two generations afterwards his grandson will naturally be in possession. Does such grandson derive title *immediately* from the proprietor? I can understand the case of a joint Hindu family or of the karanavan of a Nayar tarwad, because the individual in possession is considered to represent the family, and the tarwad is being represented from generation to generation without interruption by the karanavan. But, in the case of people who have ceased to follow the Marumakkathayam system of inheritance, how is this Section to be made applicable? We have to read this Section along with Section 8 which runs as follows;

"Holders of lands within the Edavagais in which a settlement has been carried out under the foregoing provisions shall have the same rights of permanent occupancy in respect of their holdings alienable and heritable as the holders of land under Government."

Sir, according to this Bill, permanent occupancy rights shall be granted only to "*holders*" as defined under Section 2. Sir, I would very strongly oppose this enactment. We are in sympathy with the

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Chiefs who, certainly, must collect their dues. We are certainly prepared to arm them with the necessary weapons for the purpose of effectively collecting their dues. But, they should not be weapons which could be used for other purposes. Let the Chiefs get the necessary powers for realising their dues ; but let them give corresponding rights to the tenants also. My friend Mr. Raja said that he was glad that the tenants were going to get occupancy rights. I was very glad to hear that from him. But, when the Deputy President asked him whether he was speaking on behalf of the Chiefs or on his own behalf, Mr. Raja said that he was talking on his own behalf. Then my heart sank. If the object of this Bill is only to arm the Chiefs with dangerous powers under the Revenue Recovery Regulation, I should certainly oppose this measure. In the circumstances, if the Law Member assures us that the Bill will be referred to a Select Committee, that the rights of such Select Committee will be unfettered and that these matters, that I have been dealing with, will be considered by the Select Committee and the Bill suitably amended, I shall certainly support it.

DEPUTY PRESIDENT: When you began, Mr. Krishna Pillai, I thought you were going to oppose it ; and hence I allowed you to speak. You now seem to support it, though conditionally. If I had known it before, I would not have allowed you to speak. A member is entitled to make a speech when he opposes or supports a motion. I thought you were going to oppose it. It is only now when you are about to finish that I find you are giving only a conditional support.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I only want to be reasonable. I am prepared to meet the Law Member half-way. I am certainly not afraid of standing up and saying that I oppose this Bill. Only, as I said, I want to be reasonable. Therefore it was that I suggested that, if the Government were anxious to push through this enactment, they must bear in mind the interests of the tenant also. If the Law Member is not prepared to give me the assurance, I would certainly oppose this Bill.

MR. M. SIVATANU PILLAI (*Tovala*) : May I ask whether, after the principle of a Bill has been accepted by this House, the Select Committee can make substantial changes in the Bill ?

MR. PUTHUPALLI S. KRISNA PILLAI (*Quilon II*) It is only the main principle of the Bill that cannot be altered by the Select Committee ; all subsidiary principles contained in the several Sections can be altered. According to this Bill, the Chiefs shall be given proper powers and means to realise their dues in time and the tenants shall be given adequate protection. That is the main principle. All the other matters now provided for in the Bill are only subsidiary matters which can be dealt with freely by the Select Committee. If these subsidiary questions are not considered to be within the purview of the Select Committee, I would urge the rejection of this Bill even on the main principle.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : I move for a closure.

DEPUTY PRESIDENT : I consider that the Bill has not been sufficiently discussed.

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MR. N. E. VARUGHESE (*Tiruvalla I*): ഒരുസംശയം ചോദിക്കാനുണ്ട്. ഇടവകകളുടെ പേർപറഞ്ഞ അവസരത്തിൽ ഞാനിപ്പുഴയുടെ പേർമാത്രമേ പറഞ്ഞൊള്ളൂ. എല്ലാ ഇടവകകളെയും സംബന്ധിച്ചുള്ളതുണ്ടില്ലാണോ ഇതു?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Who is being questioned, I should like to know.

DEPUTY PRESIDENT: I will take care of it, Mr. Narayana Pillai.

Mr. Varughese, you seem to put a question to the Law Member. He is not now in possession of the House. Please sit down.

MR. K. P. KRISHNA MENON (*Parur*): In supporting the principle of the Bill, I beg to suggest that the names, Edappalli and Kilimanur, should be inserted in the Schedule since the Bill provides for the repeal of Regulation IV of 1068.

As regards Section 17, I would suggest that the proprietor of land should not be invested with any of the powers contemplated in the Section. As regards the managers appointed by the Chiefs, if the person appointed has the necessary qualifications and if the appointment is approved by Government, he may be invested with the powers of the Tahsildar, provided an appeal against his orders will lie to the Dewan Peishkar. Such a provision will be advantageous to the Chief as well as to the tenant.

DEPUTY PRESIDENT: Are you opposing or supporting the principle of the Bill?

MR. K. P. KRISHNA MENON (*Parur*): I am supporting, Sir. As I said, no power should be conferred on the proprietors.

As regards commutation, there has been consistent agitation from the people of the Edavagai that tax in kind must be commuted into tax in money. The Government, when approached, say that they are powerless in the matter. So; I beg to suggest that provision must be made in the Bill to the effect that all enactments relating to the Government land revenue must be applicable to the Edavagais also.

Now, for instance, the Government have accepted twelve and a half per cent. remission for wet lands, but the Chiefs do not show such a concession as Government does. With these few remarks, I support the principle of the Bill.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Sir, a few observations I wish to make upon the principles of this piece of proposed legislation. According to this Bill, its provisions would be applicable to four Edavagais, that is to say, two Edavagais already settled and controlled by a Statute now in existence, and two other Edavagais newly to be brought under the same category. The two Edavagais which have already been settled and to which legislative measures are applicable are the Edapalli Edavagai and the Kilimanur Edavagai. They are now controlled by Regulation IV of 1068. The proposal in this Bill is to repeal that Regulation. After the repeal of that Regulation, what exactly would be the position of those Edavagais is not indicated. Would all the provisions of this Bill apply to those Edavagais is not clear, or, in other words, would there be a re-settlement of those

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Edavagais along with the new Edavagais is not specifically dealt with. Under Regulation IV of 1068, certain rights have been acquired by the tenants of Edapalli and Kilimanur and certain facilities have been afforded to the proprietors of those Edavagais. With the repeal of that Regulation, let there be no disturbance in the rights already created. So much with respect to those Edavagais.

With respect to the remaining Edavagais, *viz.*, Vanjipuzha and Poonjar, it is generally conceded by the learned members on the non-official benches that they may be put on the same level as the Statute-ridden Edavagais. That is to say, permanent rights of occupancy may be conferred upon the tenants of those Edavagais and facilities may be offered to the said Edavagais in the matter of collecting what may be due to them under a Regulation similar to Regulation IV of 1068. To that extent this Bill is acceptable and it is desirable according to the learned members that it should be so. For, it confers substantial rights upon the tenancy of these Edavagais. The Chiefs will be deprived of the power of eviction. To that extent it is very good and almost all of us want to go so far.

Then the further question is whether the sacrifice in the shape of the self-denial of eviction on the part of the Chiefs which the Bill provides for should not be counterpoised or counter-balanced by some considerations in their favour, say by an appropriate interaction of other Regulations brought in for the purpose of balancing the advantages and disadvantages. In this Bill we have got the Land Assignment Regulation made applicable on the side of the tenants. For, according to the Land Assignment Regulation and the Rules framed thereunder, Puduval registries may be claimed by persons in possession of Edavagai property. To that extent it is good, since it is something in favour of the tenants. Then, on the side of the Chiefs, two or three Regulations have been brought in. They are the Revenue Recovery Regulation, the Land Conservancy Regulation and the Survey and Boundaries Regulation. As for the Revenue Recovery Regulation there is no objection. But with respect to the appointment of new officers under that Regulation, there is some quarrel. The Bill proposes to make the Chief himself a Dewan Peishkar and his Manager a Tahsildar. The contention, so far as I could gather it, is that, though the learned members are prepared to extend the benefits of the Revenue Recovery Regulation to these Edavagais, yet the agency for the application of that Regulation should be the ordinary official agency, and not any other agency. The matter which calls for interference is a matter which concerns the Chief and his tenants. If the State is to interfere for the purpose of administering a particular Statute on behalf of the Chief or his tenants, as the case may be, naturally the Chief or the tenants or both put together must be prepared to meet the cost. So, if the learned members want a regular official Tahsildar and a regular official Peishkar to carry on the management of these Edavagais, then they should naturally persuade either or both of the parties who would get the benefit of this measure to pay for the services of the agencies to be employed. If the tenants of the Edavagais as well as the Chiefs are prepared to do that

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[Mr. P. K. Narayana Pillai.]

I do not find any reason why the State agency cannot be employed. But if, on the other hand, both the tenants and the Chiefs want to save money, what are we to do? The application of the Revenue Recovery Regulation is necessary for the purpose of facilitating the collections with the least possible irksomeness to the parties concerned. Then the only possible way of providing for it would be to empower the Chief and his manager subject to such safeguards as have been pointed out by my friend Mr. Ramasubba Aiyar, by investing them with necessary powers not available over the whole State but only in regard to the relations between the tenants and the proprietor concerned.

Then it was said that it would lead to some sort of unpleasantness to the tenants.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): May I know whether the Government asked either the proprietors or the tenants whether they were willing to pay the cost of appointing a Government agency?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I am sorry I am not in the confidence of Government as some others are, and I am not in a position to answer my learned friend.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): Then why does the member say—

DEPUTY PRESIDENT: Such questions should not be asked.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): If you are prepared to listen to the question, you may allow me to answer also.

DEPUTY PRESIDENT: I am not prepared to allow the question nor am I prepared to allow the answer.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Our curiosity has been roused very much to know what the answer will be.

DEPUTY PRESIDENT; That is very wrong, Mr. Krishna Pillai, and I wish that in deference to the House you will withdraw your observation.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I withdraw.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): So, that is the position. In case both sides want to save the cost, then we come to the question as to who is to put the provisions of the Revenue Recovery Regulation in operation. The present practice, so far as the Edapalli Edavagai is concerned, has already been detailed. The Edapalli Chief employs a Proverthicar for the *pakuthies* under him and he goes on collecting the revenue. When it comes to the question of taking coercive steps, he asks a Tahsildar to sign the warrant for the attachment of immovable property or seizure of moveable property. The Tahsildar signs it as a matter of course and the Proverthicar goes on making the attachment and then sells the properties occasionally bringing the Government of Travancore also into trouble I know of a case where the Edapalli Proverthicar had attached some properties on which certain

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claims were raised which being dismissed by the Dewan Peishkar led ultimately to a suit in the District Court of Kottayam. When the question of cost came up, Government said that the Chief should pay as the case was conducted on his behalf and the Chief replied that he would not pay because it was the Government who brought about the litigation. The apprehension is, if the powers of the Tahsildar or the Peishkar are vested in the Chief or his manager, they would make use of them to the detriment of the tenants. Now Sir, I thought a different view would be taken of the position of the Chief and his proposed degradation to the position of a Dewan Peishkar. These Chiefs are the absolute proprietors of their estates being exempt from the payment of land tax to the Government. But for the absence of legislative authority, a point emphasised by the learned Judges of the High Court, they would have been sovereigns of their estates. The present Bill proposes to reduce them to the position of Dewan Peishkars.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Then, why not the Chief make his own laws ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : I have no objection whatsoever, provided other people would obey such laws.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : If they are sovereigns why should we legislate for them ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : I said they *would have been* sovereigns. Evidently my friend Mr. Asan is not listening to all the words.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*) : Does the member know how notoriously the Proverthicars abuse their powers to the prejudice of the interests of the tenants ?

DEPUTY PRESIDENT : If you omit the word 'notoriously', I would allow the question, because it is a question of opinion as to what is 'notorious' to Mr. Raman Pillai.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*) : Does the member know that the Proverthicars abuse their powers ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : Throughout Travancore ?

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*) : Throughout Edapalli as far as I know.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : Sir, I find myself in a difficult position to answer that question. First of all I should understand the extent of Mr. Raman Pillai's knowledge and then estimate the extent to which the Proverthicars misbehave.

DEPUTY PRESIDENT : You need not answer that question. Please proceed with your argument.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : That, I thought, would have been the view taken of the position of the Chief or his manager.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Is not the State bound to protect the tenants even when they find themselves unable to

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[Mr. Puthupalli S. Krishna Pillai.]

pay rent, just as the State is bound to give the people inhabiting the locality protection under the Police, Abkari and other Regulations?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): The State is bound to protect them.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): If that is so, is it not the duty of Government also to reserve to themselves the right or the privilege of seeing that no injustice is done to a defaulting tax-payer?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Nobody wants to invade the justice, if any, due to a defaulter, whatever that may mean. I am pointing out, Sir, that this Bill reduces the Chief from the position of an absolute proprietor of property to the position of a Dewan Peishkar. But for that, if he wants to realise the rents he must request the Government of Travancore to set the machinery of law in motion. They now say that they are prepared to concede necessary powers to the Chief so that he may recover the dues himself. If that is done, it is anticipated that he would prove oppressive. A presumption will have to be drawn against an innocent person without anything further.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): As experienced men, are we not entitled to believe them?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): As far as my knowledge goes, these Chiefs are gentlemen.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether there may not be a possibility for presumption?

DEPUTY PRESIDENT: That is a remote question.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): But a contingency may arise when they may be presumed to be oppressive. I put the question for the sake of discussion.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is not the Proverthicar entitled to go over to Our house and remove the moveables? Is not the Tahsildar entitled to attach and sell our properties?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Under conditions of non-payment of tax, if you give room to such steps.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Suppose on some pretext he comes to our house, attaches or sells our property, what are the safeguards you will offer?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): He may be criminally prosecuted, sued in a court of law, or resisted on ground of private defence; and complaint may be made to his superior officer.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I wish to know from the member whether he has any objection to a law which would authorise any creditor from taking steps against the property of his debtor?

DEPUTY PRESIDENT: That question does not arise.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Is the member of the view that the Bill is expropriatory from the standpoint of the proprietor or Chief?

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MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Yes. From the standpoint of the Chief.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Is it expropriatory from the Standpoint of the tenant?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): No. It cannot be so from the standpoint of both the tenant and the Chief alike.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Have we a right to legislate on Chiefs?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): We have the right.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*), Who gave the right?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): The sovereign authority has the power to legislate for all subjects. We are authorized by the sovereign authority.

The Chiefs are, as I said, now reduced to the position of Peishkars or Tahsildars. If such is their position, they would be subject to the control of the Land Revenue Commissioner and the Dewan. I should say further that they would be subject to all the enquiries open to this House.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Is there any special reason why the provisions of Regulation IV of 1068 with reference to the mode of recovery of rent should be changed with reference to Poonjar and Vanjipuzha? Kilimanur and Edapalli were given powers to the following extent. Section 6 of Regulation I of 1068 reads as follows:—

> "The rents due to these estates shall be treated as public revenue and all arrears shall be recovered by our officers in the same manner prescribed by the Regulation I of 1068, subject to such rules as may be prescribed by our Government from time to time."

That is now sought to be changed for the first time.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I see good reason for that. It was a very generous move made by the Government of Travancore that they would appoint their own agency for the purpose of collecting revenue due to Edapalli and Kilimanur. These estates were not entitled to any such accommodation. Probably Government held it to the Edapalli and Kilimanur Chiefs so that they might agree to the expropriation the more readily. For all these long years they were not complaining about the deprivation of their rights.

Why should the Government furnish the agency for these people to collect their dues? Such a system is financially unsound. Now probably a learned Law Member realized the unjustifiable cost since it is a period of economic depression. He now asks the Chiefs to be their own Peishkars with a view to save bother and expense. It is true, Sir, that in the case of Chiefs there is one difficulty and that is this. You can remove the Manager (Tahsildar) on the motion of the (Peishkar) Chief. But it is difficult to remove the Chief from the Chiefship though his Peishkarship may be withdrawn. There must be provision

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[Mr. P. K. Narayana Pillai.]

for removing the Chief and to appoint another, say the next senior member of the family, in his place. Or the Chief himself may be removed from the post of the Dewan Peishkar by appropriate rules. I am just pointing out the risks which a Chief is courting under the Bill in case of misbehaviour, in that he is exposed to interference by the Dewan and probably by the Land Revenue Commissioner.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): What is the legal position of a Chief?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Considered opinions of British Residents and some previous Dewans of Travancore were produced in a case to show that the Edapalli Chief is the sovereign as regards his estate. If you want historical information on the point, I shall be glad to supply it, provided the Chair would not curtail my time.

MR A. THANU PILLAI (*Trivandrum-Rural*) Is he a sovereign today?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): He is not by virtue of decisions by the High Court. I have said that in so many words.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): What is his position today?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Say he is a big land-holder, the holding being free of the State in taxation.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): A point of order. May I know whether these things are relevant to the Bill?

DEPUTY PRESIDENT: The relevancy of a question is for the Chair to decide. The present question is absolutely relevant. Mr. P. K. Narayana Pillai speaks here as a member of the House and not as an expert on the subject.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I do not claim that I possess expert knowledge, but I am conversant with the history of some of these Chiefs.

DEPUTY PRESIDENT: You may give brief statements, Mr. Narayana Pillai. That will be sufficient.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): In addition what is provided in the Bill by way of checks and safeguards, I may go further and say that in all cases of lawful use of the machinery placed at the disposal of the Chiefs you may arm the tenant with necessary powers of suing the Chief or his Manager as the case may be.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know from the member whether express statutory provision is necessary for that?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): No objection in enacting statutory provisions.

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MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): But should we not make some provision in the Bill as a sufficient caution?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): If we are not prepared for judicial actions, let there be some other course of action. Necessary statutory provisions, it seems to me, may be inserted in the Bill to safeguard the interests of the tenant.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Why not we pension all the Chiefs?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): They may not be ready for that.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Are these Chiefs efficient administrators?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): That may not admit of an invariable answer.

Prima facie it would look unfamiliar that a new sort of Peishkar Tahsildar should be brought into existence. Hence the idea that it disagreeable. If may not after all work so unsmoothly as it may strike us at present.

So far with respect to the Land Revenue Recovery Regulation, its operation and all that. Now my friend Mr. Puthupalli Krishna Pillai by an interpretation of the expressions "holder" and "holding" came to the conclusion that this Bill would not benefit a large section of the persons in possession of the Chief's properties. I am sorry to disagree with him. All that the definition says is that whoever holds property immediately from the Chief will be a holder, that is to say, not mediately, or in other words, without any one else between the Chief and the party in possession. If by court auction or transfer *inter partes*, the rights of the immediate holder would pass on to another, the transferee will be brought into direct contact with the Chief immediately. The apprehension that the rights of persons now in possession of properties by such transfers would be curtailed is unfounded. Then the question has been raised on behalf of persons who have not even a colourable title to hold on to property. It is said there are trespassers who stand to lose. Trespassers are of two kinds; persons who commit trespass in the eye of law on account of invalid titles and those who commit naked trespass without even a colourable right. Take the case of the Poonjar Chief. Litigation is not uncommon with regard to the Poonjar Edavagai properties. Say, a lease executed by the Chief is set aside at the instance of a junior member.

In such a case, where possession had a *bona fide* origin, there is justification to say that a claim to the value of improvements may be taken into account; but in the case of persons disregarding all restraints of law without any regard for other people's right, most triumphantly trespassing upon property by organized attempts and making improvements upon the trespassed property, it is difficult to believe in professions of good faith or find anything like equity to award any value on account of improvements. In this House itself, Mr. Vattaparambil Raman Pillai who was rather eloquent upon the Proverthicars is ready with a Bill to deny value of improvements to trespassers.

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MR. A. THANU PILLAI (*Trivandrum—Rural*): Does not the law as it stands in Travancore allow him to—

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I am going to tell you how the law stands. It is no doubt true that a number of rulings in the High Court of Travancore lay down the principle that even trespassers should be awarded value of improvements. There are also observations made by the High Court of Travancore which says that a person who trespasses upon property and makes improvements does so with no object of making a claim to the value of improvements. I have collected some of these cases in an article contributed to the Travancore Law Times and discussed the question there tracing the law from the standpoint of the Hindu and English law, to the extent of my lights.

MR. N. E. VARUGHESE (*Tiruvalla I*): ഹൈക്കോടതിയുടെ ആബ്സർവേഷൻ തന്നെ ഫൈനൽ വിധിക്കു വ്യത്യാസമായിട്ടില്ലേ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): And I may submit to the House that the position of the Travancore High Court in this respect is very unique and I was very glad that gentlemen like Mr. Raman Pillai are prepared to deal with trespassers as they deserve. So far as the Travancore Government is concerned, by the enactment of the Land Conservancy Regulation in 1090 or so, provision is made for the eviction of trespassers and forfeiture of their improvements. I ask why such a provision should not be made in the case of individuals also.

MR. A. THANU PILLAI (*Trivandrum—Rural*): If a person has got the strength of the High Court decisions?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): He ought to bear in mind all the decisions of the High Court.

I do not find myself in sympathy with a man who trespasses upon another man's property and claims value of improvement adding insult to injury. I know some of these Edavagai proprietors, Sir, on whose properties swarms of trespassers numbering hundreds come to stay quite ready to put up ready-made temporary sheds. Litigation against a large number of trespassers is quite out of the question, commencing from the Munsiff's Court right up to the High Court. In the meanwhile the trespassers may make improvements to thwart recovery of land.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Would not the men who approach to these Chiefs be the jenmies?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): The jenmis resemble the Chiefs to some extent, but there is manifest difference. The claim for improvements made against the will of the owner is a sort of extortion. The Chief also stands in need of protection just as any other individual. If the Land Conservancy Regulation may be made elastic in an appropriate way, it may be executed for the protection of rightful ownership of property, on an extensive scale. Protection of person and property is the cherished aim of all administrations. There may be

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necessity for additional provisions to serve as safeguards. What exactly ought to be the shape of safeguards is a question for the Select Committee to consider and for the House to settle. Sir, I find some small provisions also open to further consideration. But I have taken already too much time. I reserve these for the second reading of the measure.

MR. N. GOVINDA MENON (*Co-opted*) : Sir, in the light of the discussions we have had here, I wish to add a few words on the merits of the Bill. The principle, in so far as the Bill proposes to give permanent occupancy rights to the tenants, is acceptable to all. As for the corresponding duties which have been imposed upon the tenants, the majority of the members who took part in the discussion deem it too ard for the tenants. Having studied the Bill and having had some perience in these Edavagais, I have to make a submission that the nants of unsettled Edavagais were suffering very much from time immemorial on account of the disabilities they were under merely on count of their being the tenants of the Edavagais. They had not primary citizen's right of voting for the Legislative Assembly. They d not the permanent occupancy right. They are liable to be evicted at any time. The unsatisfactory condition of the Edavagais in this respect is seen from the number of criminal and civil cases in courts within whose jurisdiction these Edavagais lie. In more judicial pronouncements than one, the necessity for settling the Edavagais has been expressed by the judiciary who had occasion to try cases from these parts. So the necessity for settling the Edavagais on some sound administrative principle is not questioned. But the objection, with regard to the Bill, lies in the granting of the extraordinary powers to the Chiefs and their agents and the applicability of the Land Conservancy and Revenue Recovery Regulations to these territories.

With regard to the Revenue Recovery Regulation, the practice now followed in the Edapalli and Kilimanur Edavagais has given rise to very serious complaints. The practice there, as many members have pointed out, is to entrust the whole business with a subordinate not quite responsible and not belonging to the higher grades of service, such as the Proverthicars of the Edavagai. The Tahsildars whom the Proverthicars approach for processes are not able to discharge satisfactorily heir duty in this respect along with their multifarious other duties. he system thus adopted in the Edapalli and Kilimanur Edavagais is perfect. According to me the entrustment of these powers should ith superior officers whose duty it is to look into the matters more nutely. The administrative work of the Edavagais must be taken up by some officer who has got his full time at his disposal for the work. Of course, safeguards have to be made.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : May I know whether the member suggests an Edavaga or Government official who is a full-time officer. Has he to be an Edavagai officer?

MR. N. GOVINDA MENON (*Co opted*) : According to me it does not matter who pays the officer. An officer whose powers are controlled by proper safeguards, and one who is a full-time officer, by whomsoever he is paid, is what I suggest.

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MR. A. THANU PILLAI (*Trivandrum-Rural*) : I do not mean who pays. By Government officer I mean an officer amenable to control by Government and control of Edavagai, whoever pays him.

MR. N. GOVINDA MENON (*Co-opted*) : As far as this Regulation is concerned—

MR. A. THANU PILLAI (*Trivandrum—Rural*): The information I wanted was whether, according to the member, the officer should be amenable to control by the Government or by the Chief.

DEPUTY PRESIDENT : You have put a question and he has answered it.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : No; he has not answered it, Sir.

DEPUTY PRESIDENT : Probably he has no answer for that portion of your question. Nobody can compel him to answer.

MR. N. GOVINDA MENON (*Co-opted*): He must be subject to Government control in respect of matters governed by this Bill, and not in any other respect.

With regard to Section 5, it has not been made clear on what principle the assessment is going to be made. In the case of the Kilimanur and Edapalli Edavagais, assessment was made according to the Revenue Settlement Proclamation of 1061. There cannot be any objection to such a procedure being followed, because the Proclamation has been made applicable to all Travancore and the tenants of the Edavagais also are but Travancoreans. Section 5 of the Bill fixes 25 per cent. of the gross yield as the maximum rent assessable. If the Settlement Proclamation is made applicable to the settlement of Edavagais also, there would be no necessity for fixing any maximum.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): What is the percentage of assessment on wet land, according to the Settlement Proclamation?

MR. N. GOVINDA MENON (*Co-opted*) : I do not know. Whatever it is, my suggestion is that it may be applied to the Edavagais also. There need be no special provision for a maximum such as the one contained in Section 5.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*) : So far as the member is aware, are there tenants now paying more than one-fourth of the gross yield as rent to the Chief?

MR. N. GOVINDA MENON (*Co-opted*): No; as far as I know, the rate of assessment in Poonjar is the settlement rate. Therefore, there cannot be any harm in accepting the rates fixed by the Revenue Settlement Proclamation.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : May I ask whether, according to the member, if the present *venpattom* tenants are given permanency of tenure and are still to pay only the settlement rate—which, according to the member, the tenants are even now paying—it would not be a hardship to the Chief?

MR. N. GOVINDA MENON (*Co-opted*) : In Poonjar, for instance, I know the settlement rate has been accepted.

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MR. A. THANU PILLAI (*Trivandrum-Rural*) : May I ask the member whether, since the Chiefs are now being asked to give permanent occupancy rights to the tenants, their rights will not be prejudiced by their being made to get, under this Bill also, only the present settlement rates unless they are given the right to get some *taravila* or other similar payment from the tenants who are going to get more rights than they now have ?

MR. N. GOVINDA MENON (*Co-opted*) : At present, there are various kinds of tenures. My suggestion is that the procedure followed at the last settlement may be followed in regard to these Edavagais also ; because, at the time of the settlement which began in 1061, the favourable tenures, as they are called, such as the *Adima* and *Thiruvaʻam* tenures, were also dealt with along with the general settlement. In regard to this Bill, the favourable tenures may be dealt with in a similar manner, for which provision may be made by the Select Committee.

It was suggested by some of my friends here that there was agitation for this measure only from the Chief and not from the tenants. I may assure the House that there has been persistent agitation from the tenants also, for the last 50 years, for an enactment of some kind. In fact, a similar Bill was published in the Gazette about 8 years ago. Somehow, nothing further was done in regard to it.

MR. K. KUNJUKISHNA PILLAI (*Quilon I*) : May I ask whether it was not rejected by the Legislative Council ?

MR. N. GOVINDA MENON (*Co-opted*) : No ; as I said, it was published in the Gazette, and for reasons not know to me, was not introduced in the Council at all.

Then, with regard to Section 10, I would like to point out that the application of the provisions of the Land Conservancy Regulation to Edavagai lands also is fraught with serious consequences. There may not be any hardship if the tenants also are given the right to get registered in their favour all lands in their occupation. Then it becomes the duty of the tenants to see that the lands in their possession are registered in their favour ; if they are not willing to take such registry, they must suffer for it. It is certainly very hard to make the provisions of the Land Conservancy Regulation as it is applicable to them. Section 10 must therefore be suitably modified with sufficient safeguards to protect the interests of the tenants.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Is it the member's opinion that the tenant in possession must be entitled to get the land registered in his name ?

MR. N. GOVINDA MENON (*Co-opted*) : Yes.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : What is the remedy that the member would suggest to safeguard the interests of the occupant ?

MR. N. GOVINDA MENON (*Co-opted*) : Provision has to be made in this Bill giving the right to get the land in his possession registered in his name to the tenant.

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MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Do I understand the member to say that, for that purpose, the present provision in the Bill is inadequate and that further provision has to be made ?

MR. N. GOVINDA MENON (*Co-opted*) : Yes, certainly. The Bill may be sent to a Select Committee for detailed consideration and suitable amendments.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : I move for a closure, Sir.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I see from the various speeches that the general principle of the Bill has received the acceptance of the House, but that criticisms have been levelled against some details. All those details may be considered by the Select Committee.

MR. M. SIVATANU PILLAI (*Tovala*) : What does the member mean by "*general principle*" of the Bill ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I do not think I need take up the time of the House to explain that ; the speeches show it.

The question that the general principle of the Bill be accepted by the Assembly was then put to vote and carried.

The Secretary then read the title of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I move that the Bill be referred to a Select Committee consisting of the following gentlemen:

	The Deputy President	A. Thanu Pillai.
Messrs.	P. K. Narayana Pillai.	P. K. Thomas.
	T. P. Ramasubba Aiyar,	K. C. Abraham.
	T. P. Velayudhan Pillai,	P. G. Rama Varma Raja.
	K. C. Karunakaran,	N. Govinda Menon.
	T. K. Alexander,	Dr. N. Kunjan Pillai ; and
	the mover.	

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : I would suggest the name of Mr. K. P. Krishna Menon also ; he is a tenant under a Chief.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I have no objection. The Committee is to report within 4 months.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : I second it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I oppose the personnel of the Select Committee, Sir. There is an over-weightage of the Chiefs' interests in it. Mr. Thanu Pillai will be single handed in the Committee.

DEPUTY PRESIDENT : I object to that statement, Mr. Kunjukrishna Pillai ; I can very well understand your proposing some more names or opposing the names already proposed. You will probably be well advised to withdraw that statement, Mr. Kunjukrishna Pillai.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : That is my opinion, Sir.

DEPUTY PRESIDENT : But such opinion shall not be expressed.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Merely for the sake of the suggestion from the Chair, I am prepared to withdraw the statement Sir ; but, I am convinced that I am not wrong.

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DEPUTY PRESIDENT: Yes, I understand the spirit of your statement. In the light of that explanation, the matter may drop.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): If the House is so minded, I am prepared to withdraw in view of the observation made by my friend Mr. Kunjukrishna Pillai.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I never made any reference to him.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I submit that the House has every right to indent on the services of Mr. P. K. Narayana Pillai.

DEPUTY PRESIDENT: Gentlemen, I think it is due to the House that I should say that, when the name of any member is proposed for a Committee, it is understood, by the proposer, the seconder and every member of the House, that the best will be done in the interests of all parties concerned and that there will be absolute fairness (*Hear hear*).

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I propose the names of Mr. S. Krishna Pillai, Mr. A. S. Damodaran Asan, Mr. Changanachery K. Parameswaran Pillai and Mr. S. Nilakanta Pillai also.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) I propose the names of Mr. K. Sankaran, Mr. K. Mahomed and Mr. Ramakrishna Panickar also.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): You may put these motions to vote, one by one, Sir; because the Committee cannot be so large.

MR. M. SIVATANU PILLAI (*Tovala*): I propose the names of Messrs Sambasiva Aiyar, Karayalar, A Narayana Pillai and K. A. Narayana Pillai also.

DEPUTY PRESIDENT: Does the mover accept all these names?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No.

DEPUTY PRESIDENT: What is the procedure in such a case, Mr. Kayalam Paramesvaran Pillai?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Each member's motion may be put to vote.

DEPUTY PRESIDENT: Who seconds Mr. Kunjukrishna Pillai's motion?

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): I second his motion, Sir.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I propose the name of Mr. N. K. Krishna Pillai in addition to the names proposed already.

DEPUTY PRESIDENT: There is next the motion of Mr. E. V. Krishna Pillai. Who seconds it?

MR. K. C. ABRAHAM (*Kottayam II*): I second it.

MR. M. SIVATANU PILLAI (*Tovala*): I propose Messrs. Sambasiva Aiyar, A. Narayana Pillai, K. A. Narayana Pillai and Karayalar.

MR. R. SIVASUBRAHMANYA NADAR (*Agastisvaram*): I second it.

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MR. K. R. ELENKATH (*Kalkulam I*) : I propose the name of Mr. R. Raman Pillai.

DEPUTY PRESIDENT : Is there anybody to second it.?

The motion is not seconded and so it falls through.

Before putting these motions to the vote of the House, I am entitled—I must say that it is my duty—to bring to the notice of the House that a very large number of members in Select Committees is likely to prejudice proper discussion. That is the idea of Mr. Kayalam Paramesvaran Pillai when he raised objection to the various proposals. Which names are to be included or which names are to be omitted is not a matter for me. I will now proceed to put the motions in order to the vote of the House.

MR. T. P. RAMASUBBA AIYAR (*Nominated*) : Will it not be possible for the Law member to select from each of these groups ?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*) : I would suggest, Sir, that instead of allowing all these motions to be put to vote, the Law Member will again consider this matter and make a proper selection and report to the House tomorrow.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I may say, Sir, that I have considered the matter and I think I have put in representatives of all the interests. That is why the number of members in the Select Committee has come up to 12. I have thought over the matter and proposed the names.

MR. M. SIVATANU PILLAI (*Tovala*) : May I know from the member how it is that there is no member from the non-party members on the Committee ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I thought Mr. Govinda Menon might be taken as a non-party member.

DEPUTY PRESIDENT : I wish the House will express itself on this point. There are four motions practically. One is the substantive motion of the Law Member.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : May I request the Law Member to consider the suggestion once again ? For he said he was under the impression that Mr. Govinda Menon was a non-party member and he must have been under a *bona fide* mistake when he proposed these names.

DEPUTY PRESIDENT : I really fail to understand the significance of a non-party member", Will any one please explain?

MR. M. SIVATANU PILLAI (*Tovala*): Non-party members are members who do not take their position with one party or another, because we understand that there are two parties. One is the Liberal-party and the other is the National party.

DEPUTY PRESIDENT : Parties in this House ?

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MR. M. SIVATANU PILLAI (*Tovala*): Yes

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Does the member mean the Chief's party and the tenant's party?

MR. M. SIVATANU PILLAI (*Tovala*): No, Sir. When I talk of the Liberal and National parties I certainly mean the Liberal and National parties and not the tenants' and the Chief's.

DEPUTY PRESIDENT: When Mr. Govinda Menon's name was referred to, what is the significance of it, that is what I ask. It does not mean tenant's man or Chief's man?

MR. M. SIVATANU PILLAI (*Tovala*): In view of this, I am prepared to withdraw my motion.

The motion of Mr. M. Sivatanu Pillai was, by leave of the House, withdrawn.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): I have to make a statement now. As the mention of two parties has been made before this House, I desire to state that some of us have formed ourselves into a party and we have informed about that also to the Assembly Secretary so that we also may be given a separate block.

DEPUTY PRESIDENT: That may be considered in proper time.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): Please let me finish my statement. Though several motions have been placed before the House, and though my name also has been proposed by some members, I am not anxious to serve on the Committee. But I have to bring to the notice of the House that my party which, I might say, is called the Independent party, may also be represented in this Committee and in other Committees which might hereafter be formed.

DEPUTY PRESIDENT: Whether the members of this House organise themselves into parties is certainly an important matter. But in regard to the appointment of members to the Select Committee on a Bill, emphasis need not be laid on that word. That is my view and I think in the discussion of this question and in nominating various members to serve in the Select Committees, the considerations of the various political parties in the House have not been kept prominently in view by the Law Member. At any rate, I did not hear from the Law Member a statement that the representation of the various parties has been considered specially. Mr. Sivatanu Pillai's motion has been withdrawn and there are two others, Mr. Kunjukrishna Pillai's and Mr. E. V. Krishna Pillai's.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Sir, I also withdraw my motion.

The motion was, by leave of the House, withdrawn.

DEPUTY PRESIDENT: The motion of Mr. Kunjukrishna Pillai proposes the addition of the following names to the list of the Law Member, *viz.*, Messrs. Puthupalli Krishna Pillai, Changanachery Parameswaran Pllai, Damodaran Asan and S. Nilakanta Pillai.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): My name may be omitted and the other names may go in.

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MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I am willing to agree to that.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): I also agree.

DEPUTY PRESIDENT: Mr. Changanachery Paramesvaran Pillai's name, by consent of the mover and the seconder, has been omitted.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): With your permission, Sir, I would like to make one change in my motion. In addition to Mr. Karunakaran I would put in Mr. Sankaran also.

DEPUTY PRESIDENT: There are now two motions before the House, the substantive motion of the Government member and the proposal of Mr. Kunjukrishna Pillai, I will put Mr. Kunjukrishna Pillai's motion to vote.

The motion was put to vote and declared lost, 15 voting *for* and 29 *against*.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I demand a poll.

A poll was taken with the following result.

AYES—16.

1	Mr.	P. Chidambaram Pillai.	9	Mr.	G. Nilakantan
2	,,	A. S. Damodaran Asan.	10	,,	S. Nilakanta Pillai
3	,,	N. Govinda Menon.	11	,,	Kainikkara M. Padmanabha Pillai.
4	,,	Pottayil S. Krishna Panickar	12	,,	Edavanatt S. Padmanabha Menon.
5	,,	Puthupalli S. Krishna Pillai.	13	,,	Changanachery K. Paramesvaran Pillai.
6	,,	K. Kunjukrishna Pillai.	14	,,	R. Raman Pillai.
7	,,	K. Mahomed	15	,,	A. Thanu Pillai.
8	,,	M. N. Nair.	16	,,	T. P. Velayudhan Pillai.

NOES—29.

1	Mr.	N. Abdur Rahiman Sahib	16	Mr.	E. K. Kunjuraman
2	,,	K C. Abraham.	17	,,	K. M. Kuriakose
3	,,	T. K. Alexander	18	,,	K. Madhavan.
4	,,	V. T. Chacko	19	,,	B. Narayana Pillai
5	,,	C. V. Chandrasekharan	20	,,	R. Nilakanta Pillai
6	,,	K. George	21	,,	N. K. Padmanabha Pillai.
7	,,	S. J. Nair	22	,,	Kayalam Paramesvaran Pillai.
8	,,	L. H. Jacob	23	,,	V. Ramakrishna Panickar.
9	,,	N. John Joseph	24	,,	T. P. Ramasubba Aiyar
10	,,	T. C. Joseph	25	,,	P. G. Rama Varma Raja.
11	,,	K. C. Karunakaran	26	,,	K. Sankaran
12	,,	T. T. Kesavan Sastri	27	,,	R. M. Satham.
13	,,	K. P. Krishna Menon	28	,,	P. K. Thomas
14	,,	E. V. Krishna Pillai	29	,,	T. C. Thommen
15	Rao Sahib	Dr. N. Kunjan Pillai			

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NEUTRALS 19.

1	Mr.	S. Chattanatha Karayalar	9	,,	N. K. Krishna Pillai
2	,,	A Easwara Pillai (*Kalkulam*)	10	,,	C. V. Kunjuraman
			11	,,	M. K. Madhavan Pillai.
3		A. Easwara Pillai (Kottarakara)	12	,,	K. A. Narayana Pillai.
			13	,,	Pacode A. Narayana Pillai.
4	,,	Antony. George	14	,,	P. K. Narayana Pillai.
5	,,	M. Mahomed Hanoef	15	,,	K. Padmanabhan.
6	,,	M. K. Janardana Kamath	16	,,	R. Sambasiva Aiyar.
7	,,	T. S. Jayantan Nambootiri	17	,,	R. Sivasubramanya Nadar.
			18	,,	M. Sivatanu Pillai.
8	,,	K. M. Krishnan	19	,,	N. E. Varughese

The motion was declared lost.

The Additional Head Sirkar Vakil's motion was then put to vote and declared carried.

DEPUTY PRESIDENT: With regard to the point raised by Mr. E. V. Krishna Pillai as to the power of appointing the Presidents of Select Committees on Bills, I have looked into the rules. As it is, my considered view is that the final authority to interpret the provisions of the Regulation and the Rules framed thereunder rests with the Dewan President. That being the case, I do not propose to do anything more than try to get the Dewan's opinion on this point.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether the rulings given here are tentative?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): I want the member to withdraw this statement.

DEPUTY PRESIDENT: I am really surprised at the suggestion made by Mr. Asan. We are discharging here public business in the best spirit of comradeship (Mr. Ramasubba Aiyar: *Hear, hear*) and I have never heard of tentative rulings (Mr. Sivatanu Pillai: *Hear, hear*). If I did want to think of tentative rulings, I would have thought of them and expressed them in very clear language.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): I would request you, Sir, for the sake of the prestige of the Chair, to ask Mr. Asan to withdraw his statement.

DEPUTY PRESIDENT: I do not think Mr. Asan meant it seriously. Did you mean it seriously, Mr. Asan?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Yes, Sir, because the interpretation of the rules rests with the Dewan and these rulings are given in accordance with that interpretation.

DEPUTY PRESIDENT: It was only an honest doubt that you felt, Mr. Asan?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Surely.

DEPUTY PRESIDENT: And you should be sorry if it is misunderstood?

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MR. A. S. DAMODARAN ASAN (*Mavelikara*) : If anybody is going to misunderstand me, I would be sorry for him. (*Laughter.*)

DEPUTY PRESIDENT : Does the House agree to sit for some time more so that Mr. Kayalam Parameswaran Pillai might introduce the other Bills ?

The House agreed.

THE COURT OF WARDS BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I rise to introduce the Court of Wards Bill. It has been published with a statement of objects and reasons in the Government Gazette, and I move that it be read in Assembly.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, the object of the Bill is to provide for the protection of the person and property of incapacitated persons such as minors and persons of unsound mind. A State agency called the 'Court of Wards' is proposed for the proper management of the property of the ward and for looking after his person. The Court will consist of a President and two other members. The Bill has been drawn on the lines of the Madras Court of Wards Act and the Cochin Court of Wards Regulation. I trust that the House will accept the principles.

DEPUTY PRESIDENT : Does the House accept the principles of the Bill ?

The House accepted the principles of the Bill.

The Secretary then read the title of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I beg to move that the Bill be referred to a Select Committee consisting of

1. The Deputy President.
2. Messrs. R. Sambasiva Iyer.
3. ,, Edavanatt S. Padmanabha Menon.
4. ,, K. Sankaran.
5. ,, E. V. Krishna Pillai.
6. ,, Antony George.
7. Messrs. S. Chattanatha Karayalar.
8. ,, M. Mahomed Haneef.
9. ,, A. Easwara Pillai (Kalkulam).
10. ,, S. Nilakanta Pillai.

DEPUTY PRESIDENT : Does the House agree?

The House agreed.

DEPUTY PRESIDENT : The motion is carried. The Committee will submit its Report within four months.

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Appendix II.

THE TRAVANCORE EDAVAGAI BILL.

Whereas it is deemed expedient to provide for the settlement of Edavagais, for defining the relation between the proprietors and the tenants therein and for the recovery of the rents due to the proprietors; It is hereby enacted as follows : –

CHAPTER I.

PRELIMINARY.

Short title and extent.

1. (1) This Regulation may be called "The Travancore Edavagai Regulation."

(2) It extends to the Edavagais mentioned in the Schedule and to such other as may be notified by Our Government.

(3) Regulation IV of 1068 is hereby repealed.

Definitions.

2. In this Regulation, unless there is something repugnant in the subject or context.

(i) "Edavagai" means a compact area recognised as such in the Government accounts, the whole or any portion of which area is exempt from payment of revenue to Government ;

(ii) "holding" means one or more parcels of land held under one instrument in writing, and under one set of conditions and, in case of the absence of any such instrument, held as the result of a single transaction ;

(iii) "proprietor" means a sole owner or the eldest or the principal of several joint owners of an Edavagai ;

(iv) "agent" means a person appointed by a proprietor for the management of his Edavagai and whose appointment has been approved by Government and notified in the Government Gazette ;

(v) "tenant" means a person who derives title to a holding immediately from the proprietor, and includes the karanavan of a tarwad or manager of a joint Hindu family ;

(vi) "prescribed" means prescribed by rules made by Government under this Regulation.

Settlement of rent payable in respect of Edavagais.

3. (1) At the completion of the survey of any Edavagai, Our Government may direct, by Notification in the Government Gazette, that the rents payable in respect of the holdings in such Edavagai be settled by an officer of Government.

(2) The direction mentioned in sub-section (1) of this section may be made.

(*a*) on the application of the proprietor of such Edavagai and on his agreeing, in writing, to defray the whole cost of the settlement, or

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(*b*) without such application for reasons to be recorded by Government prior to the issue of such Notification.

Cost for settlement of rent.

4. All costs incurred by Our Government on account of a settlement conducted under section 3 shall be recoverable from the proprietors in the same manner as an arrear of land revenue.

5. (1) Subject to such rules as may be prescribed, the conduct of settlement and the proceedings of the Settlement Officer shall, as far as may be, be regulated by the procedure, for the time being in force, relating to the settlement of Government lands.

Amount of rent.

(2) The rent fixed shall in no case exceed one-fourth of the gross yield of the land and shall be subject to such deductions as may subsist by contract or by custom between the proprietors and the tenants.

Procedure adopted in settlement.

6. (1) When a settlement is made under sections 3 and 5, the Settlement Officer shall prepare a record in duplicate, showing therein the extent of the land, the rent assessed, the deductions, if any, the rent payable to the proprietor and such other particulars as may be prescribed. Such record shall be signed and dated by the Officer, and shall be furnished, one to the proprietor and the other to the tenant.

(2) The proprietor or the tenant may, within two months of the receipt or tender of the record referred to in sub-section (1), prefer an appeal to such authority as Our Government may prescribe.

(3) Where an appeal is filed under sub-section (2), notice shall be given by the appellate authority to the other party to the dispute.

(4) The appellate authority shall, after giving notice to the parties and hearing them, if they appear, record its decision in writing and pronounce the same immediately or on a date fixed in that behalf. A copy of the decision shall be furnished to any party on his applications and at his cost.

(5) The appellate authority shall also communicate its decision to the Settlement Officer, who shall, if necessary, make such modifications in the record prepared under sub-section (1) in accordance with the decision of the appellate authority.

Effect of settlement.

7. (1) The completion of the settlement of an Edavagai or any portion thereof shall be published by Our Government in the Government Gazette and such settlement shall take effect from the beginning of the Malabar year next after the date of such publication.

(2) Every settlement made under the foregoing provisions shall be in force for thirty years and shall be liable to be revised thereafter.

Rights of holders of land in Edavagais

8. The holders of lands within the Edavagais in which a settlement has been carried out under the foregoing provisions shall have the same rights of permanent occupancy in respect of their holdings alienable and heritable as the holders of land under Government.

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Assignment of land within an Edavagai

9. Assignments of lands within an Edavagai shall be regulated by the law for the time being in force relating to the assignment of Government lands.

Lands not settled.

10. All lands not dealt with at the settlement shall, after the day mentioned in sub-section (1) of section 7, be deemed to be Government land within the meaning thereof in the Land Conservancy Regulation, and all or any of the provisions thereof may, at the instance of a proprietor, be made applicable to an Edavagai by a Notification in the Gazette.

Rent roll and accounts.

11. The rent-roll and other accounts relating to holdings shall be kept in the form in which Government accounts are kept and they shall be subject to the supervision of Government,

Rent due to Edappalli and Kilimanur and other settled Edavagais.

12. The rent due to Edappalli and Kilimanur Edavagais which have been already settled and the rent due to an Edavagai as settled in accordance with the foregoing provisions shall be a first charge on the holding and shall be paid to the Edavagai, in the manner prescribed, on or before the date fixed for such payment. Such rent shall be treated as public revenue, and in default of payment may be recovered as arrears of public revenue under Regulation I of 1068, subject to such rules as may be prescribed by Our Government, from time to time.

Proprietor to pay charges and losses for proceedings under section 12.

13. All charges and losses that may be incurred by Our Government in connection with any proceedings taken under section 12 shall be paid by the proprietor, and may be recovered by Our Government from him as arrears of land revenue under Regulation I of 1068.

Sale of holding for recovery of rent.

14. The sale of a holding held for realising arrears of rent under the authority of this Regulation shall be free of encumbrances, if such sale is to recover the rent due on the holding sold.

Regulation not applicable to lands held in the capacity of Jenmies.

15. Nothing in this Regulation shall be construed to apply to lands held by any proprietor in his capacity of a Jenmi under the Proclamation of 1042.

Power to make rules.

16. Our Government may make rules referred to in the foregoing provisions and may make any rules to promote the objects and purposes of this Regulation. Rules so made shall be subject to previous publication, and, when made, shall have the same effect as if they are enacted in this Regulation.

Proprietor or his agent may be empowered with powers of Tahsildar or Peishkar.

17. Our Government may, subject to such rules and conditions as may be prescribed, empower any proprietor or his agent with all or any of the powers of a Tahsildar and a Division Peishkar under Regulation I of 1068 and under Regulation IV of 1091.

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Statement of Objects and Reasons.

Though at one time all holders of Government lands in the State were tenants-at-will the Government thought that, in the larger interests of the State, the tenants should have permanent rights of occupancy heritable and alienable, and the Proclamation of 1040 was the result. The policy of the Government was the same with reference to Jenmom lands and the Proclamation of 1042 was framed to give effect to the above policy. When survey and settlement were introduced in the State by means of appropriate legislation in 1058. the question of the adjustment of the rights of the Jenmies and their tenants was also taken up and a commission for the purpose was appointed in 1060. This resulted in the passing of Regulation V of 1071. In the case of Edappalli and Kilimanur were surveyed and settled and the tenants therein were given permanent rights of occupancy (Rent Recovery Regulation, IV of 1068). There are thus only two Edavagais whose tenants are in a disadvantageous position. Though, on the application of the Vanjipuzha Chief to have his Edavagai surveyed and settled, the Government undertook the survey of the same at his cost, the idea of settling the Edavagai was finally given up. The Chief has all along been agitating to have his Edavagai settled. The Chief has no objection to confer permanent rights of occupancy upon his tenants. The same may be said to be the case with Poonjar. The present legislation is therefore undertaken with a view to confer upon the tenants of Punjar and Vanjipuzha Edavagais permanent rights of occupancy as in the case of Edappalli and Kilimanur. It is considered desirable to have a single peice of legislation applicable to all Edavagais and the present Bill therefore proposes to repeal the existing Rent Recovery Regulation.

The survey of all Edavagais has been provided for by the Survey and Boundaries Regulation, X of 1094. There is no law now for the settlement of the Edavagais. A legislation of the kind is also necessary for statistical and other purposes of Government. The subjects of the State living in Edavagais have represented that they should be given electoral rights for the legislature. The principle has been accepted by Government. Unless all the Edavagis are settled, it is not possible for the officers of Government to know whether a tenant is entitled to be registered as a voter or not. With a view to secure the above objects and views, the present legislation has been undertaken.

When a survey is completed, the Bill proposes to empower the Government to undertake the settlement of Edavagais at the cost of the proprietors of such Edavagais. The conduct of the settlement and the procedure to be followed by the Settlement Officers will, subject to such modifications as may be necessary in individual cases, be the same as those that are to be followed in the case of settlement of Government lands. As soon as a settlement is made, the officer is required to give the particulars of settlement to the parties concerned and they are given

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a right of appeal. The rent to be fixed shall in no case exceed one-fourth of the gross produce and the settlement will be in force for thirty years. Permanent rights of occupancy, heirtable and alienable, are conferred upon the tenants. The assignment of lands not occupied by any tenant is to be made in accordance with the rules in force applicable to Government lands. The Bill proposes to confer the right of removing unauthorised occupation in accordance with the provisions of the Land Conservancy Regulation. The rent due to the proprietors of a settled estate may be recovered under the provisions of the Revenue Recovery Regulation for the time being in force and it is open to the Government to empower a proprietor or his agent to exercise the powers of a Tahsildar or Peishkar under the said Regulation if they think fit to do so.

THE SCHEDULE.

Number.	*Name of Edavagai.*
1.	Punjar.
2.	Vanjipuzha.

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